



Journal of the Senate

Number 11

Tuesday, April 24, 1979

The Senate was called to order by Senator Neal at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Dunn represented the Committee on Rules and Calendar and Senator Henderson represented the Minority Party.

INTRODUCTION

By Senator Chamberlin—

SB 987—A bill to be entitled An act relating to the practice of dentistry; creating part II, chapter 466, Florida Statutes; providing a short title and purpose; providing application to other provisions of the chapter; providing exemptions; providing definitions; prohibiting practice of dentistry without a recorded license issued by the Department of Professional and Occupational Regulation; providing exceptions for dental laboratory technicians and dental laboratories under certain circumstances; providing the powers and duties of the department; establishing the Florida Ad Hoc Committee of Denturists; providing for its membership, powers, and duties; designating the secretary of the department as executive director of the committee; providing compensation for expenses of committee members; authorizing the abolition of the committee and removal of members; providing for accreditation of certain educational programs and for rules; providing for application for denturist examination and registration; providing an examination fee; providing qualifications for examinations; providing for examinations; providing qualifications for licensing; providing a license fee; providing for recording of license with the clerk of the circuit court; providing for replacement and copies of licenses; requiring notice of change of address; providing for license renewal; providing a renewal fee; requiring a prescription from a dentist or physician prior to the performance of services by a denturist; restricting the practice of a denturist; prohibiting physicians and dentists from charging certain fees or from engaging in certain acts with respect to dentures; providing penalties; providing for advertising; providing grounds for revocation or suspension of license; providing for the registration and certification of dental laboratory technicians; authorizing the establishment of a Certified Laboratory Technician Advisory Council to advise the committee; authorizing denturists to use the services of dental laboratory technicians and dental laboratories; providing conditions; providing a penalty; providing a guarantee; providing penalties for certain practice of dentistry without a license or registration and for the employment by a licensed denturist of certain persons to perform dentistry work; providing for enforcement; providing for appointment of investigators; providing for the establishment of a denturist training program at state universities and community colleges; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Governmental Operations and Ways and Means.

By Senator Tobiasen—

SB 988—A bill to be entitled An act relating to education; adding a new paragraph (a) to s. 230.2311(4), Florida Statutes, limiting the class size for grades 1 through 3; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Trask—

SB 989—A bill to be entitled An act relating to environmental lands and water management; adding s. 380.06(16), Florida Statutes; authorizing any developer of a proposed de-

velopment of regional impact located within the jurisdiction of a local government to obtain only local approval of the development in certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Spicola—

SB 990—A bill to be entitled An act relating to the Tampa Crosstown Expressway and Gandy Bridge; requiring the Department of Transportation to pay the toll fees of vehicles under certain specified conditions; authorizing the department to adopt rules necessary to carry out this act; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senators McClain, Barron, Peterson, Tobiasen, McKnight, Gorman, Williamson, Scott, Jenne, Maxwell and Poole—

SB 991—A bill to be entitled An act relating to taxation; amending ss. 210.02(1), (3)-(5), and 210.20(2)(a), Florida Statutes; decreasing the excise or privilege tax on cigarettes; changing the distribution of funds received from such taxes; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Spicola—

SB 992—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1945, Florida Statutes, 1978 Supplement, requiring the issuance of a traffic citation with respect to an illegally parked motor vehicle; creating the presumption of both receipt and responsibility to the owner of an unattended vehicle for parking violations; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Judiciary-Criminal.

By Senator Chamberlin—

SB 993—A bill to be entitled An act relating to governmental reorganization; creating s. 20.36, Florida Statutes; providing intent; creating a Department of Veterans' Affairs; providing qualifications for the secretary of the department; transferring the Division of Veterans' Affairs of the Department of Community Affairs to said department; providing powers and duties of the department; providing for the applicability of the act to existing employees of the division; directing that conforming editorial changes be made in the Florida Statutes; repealing s. 20.18(2)(c) and (10), Florida Statutes, 1978 Supplement, to conform to this act; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Governmental Operations and Ways and Means.

By Senator Tobiasen—

SB 994—A bill to be entitled An act relating to motor vehicle license tags; adding paragraph (c) to s. 320.13(1), Florida Statutes, providing that automobile service subcontractors may secure dealer tags under certain conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Maxwell—

SB 995—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.304, Florida Statutes, which prohibits drivers from wearing headsets, headphones, or certain other listening devices while driving, to qualify such prohibition; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Maxwell—

SB 996—A bill to be entitled An act relating to the Public Employees Relations Commission; adding a new subsection (5) to s. 447.207, Florida Statutes, providing that oral arguments may be made in proceedings before the commission at the request of either party; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Winn—

SB 997—A bill to be entitled An act relating to the Beverage Law; creating s. 562.51, Florida Statutes, providing that a person selling or furnishing alcoholic beverages to another person is not thereby liable for injury or damage caused by or resulting from the intoxication of such other person; providing an exception for the sale or furnishing of alcoholic beverages to a minor; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Civil.

By Senator Dunn—

SB 998—A bill to be entitled An act relating to the relief of Mrs. Ohse E. Davis; providing an appropriation to compensate her for attorney's fees incurred in her defense of a civil action challenging her right to hold office as a member of the Volusia County School Board in and for District 5; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Thomas—

SB 999—A bill to be entitled An act relating to the Mortgage Brokerage Act; amending s. 494.081, Florida Statutes; providing that mortgage brokers or mortgage solicitors are not violating chapter 687, Florida Statutes, by lending their own funds under certain conditions; requiring licensees to furnish written statements of ownership upon demand of the Department of Banking and Finance; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Poole—

SB 1000—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.01(1)(b), (d), (e), and (g), Florida Statutes, revising conditions relating to the age for attendance; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Vogt—

SB 1001—A bill to be entitled An act relating to mangroves; creating ss. 403.272-403.278, Florida Statutes; providing a short title; providing for legislative intent in the conservation of mangroves; providing definitions; providing standards for pruning and removing mangroves; providing for variance and aggregation permits; providing for delegation of permitting to local governments; providing that this act supersedes other regulations; providing penalties; amending s. 403.813(1), (2)(b), Florida Statutes, 1978 Supplement; providing for use of the short form permit for variance and aggregation; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Anderson—

SB 1002—A bill to be entitled An act relating to the authorization of insurers; renumbering s. 624.414(4), Florida Statutes, 1978 Supplement, and adding a new subsection (4) to said section; requiring the Department of Insurance to act upon an application for a certificate of authority within a specified period; providing that if such application is not approved or denied within a specified period, the application shall be deemed approved subject to the satisfactory completion of certain conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Anderson—

SB 1003—A bill to be entitled An act relating to regulation of coastal construction; adding subsection (10) to s. 161.052 and subsection (12) to s. 161.053, Florida Statutes, 1978 Supplement; requiring all coastal counties, coastal cities, and coastal communities to notify the Department of Natural Resources upon receipt of a permit application for construction proposed seaward of the coastal construction control lines and to notify applicant of state permit requirements; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Jenne (by request)—

SB 1004—A bill to be entitled An act relating to residential construction; providing definitions; requiring building contractors or developers of one- or two-family residential dwelling units to notify prospective buyers of their right to have certain deposits placed in escrow; requiring the building contractor or developer to deposit certain funds in interest bearing escrow accounts; providing that the building contractor or developer shall be entitled to the interest in such accounts; providing for surety bonds; providing that the building contractor or developer may borrow funds for construction purposes; providing for the release of funds in escrow accounts; providing for priority; prohibiting certain claims; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Judiciary-Criminal.

By Senator Gorman—

SB 1005—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.17(2), Florida Statutes; requiring that certain applications for alcoholic beverage licenses include approval of the plans of the establishment; amending s. 561.19(1), Florida Statutes; providing that a license takes effect upon certification of compliance with sanitary requirements; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Gorman—

SB 1006—A bill to be entitled An act relating to the municipal public service tax; amending s. 166.231(2), Florida Statutes, 1978 Supplement; limiting the public service tax on metered or bottled gas (natural liquefied petroleum gas or manufactured); providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By Senator McClain—

SB 1007—A bill to be entitled An act relating to insurance; amending s. 627.351(4)(e), Florida Statutes, 1978 Supplement; requiring the Department of Insurance to create, maintain, and control a catastrophe fund; providing that the fund shall con-

sist of all net operating gains of the windstorm insurance risk apportionment plan to be distributed only to the fund and any premium surcharges on certain property insurance when directed by the Insurance Commissioner; providing for distribution of moneys from the fund; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Henderson—

SB 1008—A bill to be entitled An act relating to the Department of State; providing an appropriation for funding of the Warm Mineral Springs archaeological project; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Frank—

SB 1009—A bill to be entitled An act relating to electric utilities; providing electric utility benefits for recipients of supplemental security income; requiring the Department of Health and Rehabilitative Services to furnish such recipients with monthly electric utility benefits; requiring electric utilities to provide certain benefits; permitting the electric utility to deduct the amount of benefits allowed from sales tax remittance to the Department of Revenue; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senators Vogt, Hill and McClain—

SB 1010—A bill to be entitled An act relating to county public health units; creating Part V of chapter 154, Florida Statutes, Optional Operation of County Public Health Units; providing a short title; providing that a board of county commissioners may elect to assume local operation of county public health units; providing for cooperation with the Department of Health and Rehabilitative Services; authorizing specified health programs; authorizing additional mills of tax to be levied; providing for establishment of a local health unit trust fund; providing for state aid to counties for operation of local health units; providing for rebudgeting of trust funds at the end of every fiscal year; requiring each county to submit a plan of operation and a budget for the operation of a local health unit to the department; providing for amendments to such plan and budget; providing for transfer of personnel and material by the department in an emergency; providing for cooperation by the counties with the department and the United States Government for public health purposes; providing for personnel of health units and prescribing their duties; providing for cooperation and agreements between counties to establish a local health unit; authorizing such units to collect fees for services rendered; providing for continuation of current state financial aid and for refund to the county of county health unit trust funds on deposit in the State Treasury for use by that county for its health program; providing for consideration of existing employees; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services; Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Poole—

SB 1011—A bill to be entitled An act relating to elections; adding a new subsection (5) to s. 101.62, Florida Statutes, requiring the supervisors of elections to provide blind electors with braille absentee ballots upon request; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators Tobiasen and Poole—

SB 1012—A bill to be entitled An act relating to university and community college students; amending s. 239.582, Florida Statutes, 1978 Supplement; providing that students adjudicated guilty of unlawful possession or sale of substances controlled under chapter 893, Florida Statutes, may be auto-

matically expelled; deleting provisions providing for suspension of students formally charged with possession or sale of such substances; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Chamberlin—

SB 1013—A bill to be entitled An act relating to aging and adult services; amending s. 410.11, Florida Statutes, as transferred from s. 409.3642, Florida Statutes, by chapter 78-433, Laws of Florida; prohibiting certain acts perpetrated on an individual suffering from the infirmities of aging; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators MacKay and Skinner—

SB 1014—A bill to be entitled An act relating to the University of Florida; naming the metallurgy building the Frederick Nims Rhines Hall; directing the University of Florida to erect suitable markers; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Williamson—

SB 1015—A bill to be entitled An act relating to bail; amending ss. 903.28(1) and 903.29, Florida Statutes; extending the period during which forfeiture of a bond may be remitted and during which the principal may be arrested; deleting a restriction on remission of forfeiture when the defendant is apprehended; amending s. 903.31, Florida Statutes; providing that a finding of guilt or innocence shall satisfy the conditions of a bond; specifying effect of an original appearance bond; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Commerce.

By Senator Stuart—

SB 1016—A bill to be entitled An act relating to the State Manpower Planning Act; amending s. 13.998, Florida Statutes; renaming said act the State Employment and Training Act; amending s. 13.9981, Florida Statutes; providing definitions; amending s. 13.9982, Florida Statutes; renaming the State Manpower Services Council the State Employment and Training Council; providing the structure and duties of said council; providing that the Balance of the State Prime Sponsor Advisory Council be appointed by the Governor according to the provisions of the Comprehensive Employment and Training Act and be within the Department of Labor and Employment Security; creates the Division of Employment and Training within the Department of Labor and Employment Security; amending s. 13.9989, Florida Statutes; requiring said division to provide staff services to certain councils established pursuant to the Comprehensive Employment and Training Act; transferring the State Manpower Services Council from the Department of Community Affairs to the Department of Labor and Employment Security; creating s. 13.9990, Florida Statutes; creating the Balance of State Private Industry Council; transferring the office of Manpower Planning from the Department of Community Affairs to the Division of Employment and Training of the Department of Labor and Employment Security; repealing ss. 13.9984, 13.9985, 13.9986, and 13.9987, Florida Statutes, relating to duties of the State Manpower Services Council, regional manpower planning districts and advisory boards, regional manpower planning advisory boards and their duties, and the authority of comprehensive regional planning councils; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senators Trask and Peterson—

SB 1017—A bill to be entitled An act relating to regulation of water wells; creating s. 373.342, Florida Statutes, providing for the granting of authority to issue certain permits; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Gordon—

SB 1018—A bill to be entitled An act relating to creation of a joint legislative study committee; directing such a committee to study the methodology used in the preparation of the Florida Cost of Living Study and the use of such measures in fund distribution adjustment under the Florida Education Finance Program; providing for a professional study if needed; providing for reports; providing an effective date.

—was read the first time by title and referred to the Committees on Rules and Calendar and Ways and Means.

By Senator Maxwell—

SB 1019—A bill to be entitled An act relating to county depositories; amending ss. 136.02(1)-(3), 136.07, 136.08, Florida Statutes; deleting certain powers and duties of the Department of Banking and Finance; authorizing the clerk of the circuit court of a county to designate and regulate depositories for the funds of boards and officials of the county and of the school district in the county; deleting the requirement that certain reports be filed with the department; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senator Stuart—

SB 1020—A bill to be entitled An act relating to collective bargaining of public employees; amending s. 447.403(1), (2), Florida Statutes; requiring the appointment of a mediator to assist in resolution of impasses; requiring the Public Employees Relations Commission to appoint a special master in certain circumstances; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Poole—

SB 1021—A bill to be entitled An act relating to education; amending s. 228.121(2), Florida Statutes, changing the definition of "nonresident" for purposes of the nonresident tuition fee charged pupils in grades K-12; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Vogt—

SB 1022—A bill to be entitled An act relating to environmental control; amending s. 403.021(6), Florida Statutes, 1978 Supplement; providing public policy; amending s. 403.031(1), (3)-(5), (10)-(12), Florida Statutes, and adding subsections (13)-(19) to said section; providing definitions; amending s. 403.061, Florida Statutes, 1978 Supplement; requiring the Department of Environmental Regulation to control or prohibit pollution in accordance with applicable state and federal law; regulating persons engaged in certain operations; requiring such persons to comply with sampling and monitoring standards; authorizing the department to issue, modify, deny, suspend, or revoke discharge permits under certain circumstances; requiring the department to impose federal National Pollutant Discharge Elimination System requirements on permits issued by the department; authorizing the department to adopt by rule necessary standards; authorizing the department to ensure that industrial users of publicly owned treatment works comply with certain limitations and requirements; amending s. 403.085(2), (4), Florida Statutes; providing for remedies, liability, or penalty for failure of sanitary sewage treatment plants and industrial discharge facilities to install adequate facilities; amending s. 403.087(1)-(4), (6), Florida Statutes, 1978 Supplement; requiring point source permits consistent with the Federal Water Pollution Control Act; requiring the department to adopt rules and standards for the modification or suspension of permits in accordance with chapter 403, Florida Statutes, and the Federal Water Pollution Control Act; requiring a determination of compliance with state and federal law prior to permit issuance; authorizing modification or suspension of permits under certain circumstances; amending s. 403.088(1),

(3), (4), Florida Statutes, 1978 Supplement; making noncomplying discharges unlawful; requiring application for a construction permit and operation permit prior to certain activities; requiring a system of public notice of application for FPDES permits; authorizing the department to require any permit applicant to submit certain information; prescribing the procedure for disposition of FPDES permit applications; providing for federal permit review procedures; providing for the terms of permits; eliminating the use of temporary permits; providing for a permit with compliance schedule; amending s. 403.091, Florida Statutes; allowing department representatives to have reasonable access to certain records and to copy such records and to sample discharges; amending s. 403.111, Florida Statutes; limiting disclosure of confidential records which constitute trade secrets; adding s. 403.201(4), Florida Statutes; requiring modification of FPDES permit requirements to be consistent with the Federal Water Pollution Control Act, as amended; amending s. 403.511(4), Florida Statutes; providing that FPDES permit authority shall not be affected by the Florida Electrical Power Plant Siting Act; adding s. 20.261(5), Florida Statutes; requiring additional qualifications for appointment to the Environmental Regulation Commission; providing an appropriation; repealing s. 403.051, Florida Statutes, as amended, relating to certain meetings, hearings, and procedures; providing severability; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Williamson—

SB 1023—A bill to be entitled An act relating to products liability insurers; providing criteria for determination of excessive profits; requiring the reporting of certain data; providing for rebates if an excessive profit has been realized; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Johnston—

SB 1024—A bill to be entitled An act relating to surgical consent; amending s. 393.13(3)(f), Florida Statutes; providing circumstances and procedures for a hearing to determine the appropriateness of surgery when the Department of Health and Rehabilitative Services is the custodian of a client; adding s. 394.459(3)(c), Florida Statutes, 1978 Supplement; providing circumstances and procedures for a hearing to determine the appropriateness of surgery when the department is the legal guardian, legal representative, or custodian of a patient; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Poole—

SB 1025—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.15, Florida Statutes, providing for the distribution of funds derived from the tax on documents, other than the surtax, to the School Board Capital Outlay Expense Fund, and any excess to the General Revenue Fund; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Thomas—

SB 1026—A bill to be entitled An act relating to the auditing of claims against the state; amending s. 17.03(1), Florida Statutes; authorizing the Comptroller to use generally accepted auditing procedures for testing or sampling; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

SR 1027 was introduced and adopted April 19.

By Senator Holloway—

SB 1028—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.066(3), Florida Statutes,

providing that in certain counties law enforcement agencies shall submit copies of written reports of accidents to central traffic records sections; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Holloway—

SB 1029—A bill to be entitled An act relating to personnel of the school system; amending s. 231.40(1)(c), Florida Statutes, providing a new basis for determining terminal pay for accumulated sick leave for instructional staff members; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Education; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator MacKay—

SB 1030—A bill to be entitled An act relating to minors; creating s. 562.485, Florida Statutes, prohibiting minors from attending certain establishments licensed to sell alcoholic beverages which permit certain types of sexual conduct on the premises; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Peterson and Trask—

SB 1031—A bill to be entitled An act relating to saltwater fisheries and conservation; permitting the fishing for live bait shrimp in Taylor, Dixie, Levy, Citrus, Pasco, and Hernando Counties with a permit issued by the Department of Natural Resources; prohibiting specified violations of law with respect to marine resource conservation; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary-Criminal.

By Senator Grizzle—

SB 1032—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing intent; requiring the Children's Medical Services Program Office of the department to establish in District 5 a pilot program of temporary foster home care for certain children with medical problems; authorizing the transfer of such children to a qualified private agency; requiring the foster homes to be staffed with qualified personnel; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Poole—

SB 1033—A bill to be entitled An act relating to noncriminal traffic infractions; amending s. 318.14(6), Florida Statutes, providing that the commission of a noncriminal traffic infraction shall be proven by a preponderance of the evidence; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Judiciary-Civil.

By Senator Anderson—

SB 1034—A bill to be entitled An act relating to the Administrative Procedure Act; adding paragraph (d) to s. 120.60(3), Florida Statutes, 1978 Supplement; providing for a 180-day period in which the Department of Insurance shall act on an application for a certificate of authority; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators MacKay and Skinner—

SCR 1035—A concurrent resolution commending James J. (Jimmy) Carnes for his contributions to the State of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Winn—

SB 1036—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; directing the department to study and make recommendations with respect to creating the licensed practice of podology; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Senators Peterson and Trask—

SB 1037—A bill to be entitled An act relating to taxation of motor fuels; amending s. 206.625, Florida Statutes, relating to return of the first gas tax and the additional gas tax to municipalities, to provide that counties performing similar services shall receive the same refund; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Tobiasen—

SB 1038—A bill to be entitled An act relating to criminal penalties; adding a subsection to s. 775.084, Florida Statutes, providing mandatory natural life imprisonment for persons convicted of one of several specified felonies for the third time; providing an exception; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senators Holloway, McKnight and Anderson—

SB 1039—A bill to be entitled An act relating to Monroe County; amending section 6 of chapter 67-1724, Laws of Florida, relating to a special tax district in the county; authorizing the Board of the Lower Florida Keys Hospital District to enter into contracts with other health service organizations when it cannot provide medical services in its own hospitals; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator MacKay—

SB 1040—A bill to be entitled An act relating to electric utilities; directing the Florida Public Service Commission to require electric utilities to provide customers with a peak-load pricing option; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Hill—

SB 1041—A bill to be entitled An act relating to the district school system; amending s. 230.33(8)(c), Florida Statutes, 1978 Supplement, removing a limitation upon the period of time a superintendent may extend the suspension of a student when expulsion is pending; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator MacKay—

SB 1042—A bill to be entitled An act relating to alcoholism prevention, control, and treatment; creating ss. 396.191, 396.192, 396.193, 396.194, 396.195, and 396.196, Florida Statutes; providing for licensing of alcoholic treatment resources by the Department of Health and Rehabilitative Services; requiring an outline of the proposed treatment program and payment of a fee; providing for expiration and renewal of license and issuance of interim license; providing for injunctive relief; authorizing entry and inspection by the department; establish-

ing a trust fund; requiring the department to adopt rules; declaring that certain facilities meet licensure standards; amending s. 561.12, Florida Statutes; providing that a portion of the revenue collected from the excise tax on certain alcoholic beverages shall be deposited in the Alcoholic Treatment Facilities Trust Fund; amending s. 565.12(1)(a), (2)(a), Florida Statutes, increasing the excise tax on certain alcoholic beverages; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator McKnight—

SB 1043—A bill to be entitled An act relating to voters; adding a paragraph to s. 97.021(8), Florida Statutes, including persons 65 years of age or older within the definition of absent elector; amending s. 101.64(1), Florida Statutes, conforming to the act the voter's certificate for absent electors; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators MacKay, Dunn, Barron, Scott, W. D. Childers, Holloway, Johnston, Vogt, Stuart, Carlucci, Tobiasen, Anderson, Thomas, Gorman, Myers, Skinner, Williamson, Henderson, Hill, McKnight, Winn, Frank, Jenne, Spicola, Maxwell, Don Childers, Poole, Grizzle, Ware, Neal, Peterson, Steinberg, Gordon, Trask, McClain, Fechtel, Hair, Chamberlin and Lewis—

SB 1044—A bill to be entitled An act relating to state funds; adding s. 18.11(1)(j), Florida Statutes; allowing the State Treasurer to accept notes secured by first mortgages as security for state funds deposited in banks; amending s. 215.47(2), Florida Statutes; increasing the percentage of each trust fund or agency fund of each state agency which may be invested by the Board of Administration in specified securities; deleting provision limiting the kinds of mortgages acceptable as authorized securities; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Maxwell—

SJR 1045—A joint resolution proposing an amendment to Section 9 of Article III of the State Constitution relating to effective date of laws.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Thomas and Barron—

SB 1046—A bill to be entitled An act relating to county court judges; adding subsection (3) to s. 34.021, Florida Statutes, 1978 Supplement, permitting certain persons who were county court judges prior to July 1, 1978, and who are not members of The Florida Bar to seek election and to serve as a county court judge under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Dunn—

SB 1047—A bill to be entitled An act relating to qualification of candidates; creating s. 99.033, Florida Statutes; requiring a candidate for membership on the governing body of a municipality to be a resident to have certain qualifications at the time he qualifies; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By Senator Hill—

SB 1048—A bill to be entitled An act relating to district school boards; providing for the suspension or expulsion of students in grades K through 12 who are formally charged with the commission of a felony; providing for an administrative hearing; requiring notice; directing the State Board of

Education to make rules with respect to administrative hearings before the district school board; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Vogt—

SB 1049—A bill to be entitled An act relating to state employees; creating s. 112.0215, Florida Statutes; limiting the total number of full-time salaried state employees to a percentage of the state population; limiting the growth in the number of such employees; authorizing the employment of additional persons in certain emergency circumstances; providing schedules for the inclusion of certain employees for purposes of the employment caps; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Williamson—

SB 1050—A bill to be entitled An act relating to the Municipal Firemen's Pension Trust Fund; repealing s. 175.122, Florida Statutes, relating to the limitation on the distribution of funds from the Municipal Firemen's Pension Trust Fund to municipalities; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By Senator McClain—

SB 1051—A bill to be entitled An act relating to crimes concerning damage to life or property; prohibiting a person from causing, creating a risk of, or failing to mitigate a catastrophe; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators MacKay and W. D. Childers—

SB 1052—A bill to be entitled An act relating to local government; amending ss. 125.31(1), 166.261(1), 218.345(1), 219.075(1), Florida Statutes; authorizing counties, municipalities, special districts, and county officers to invest surplus funds in certain time deposits and savings accounts; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator McClain—

SB 1053—A bill to be entitled An act relating to gasoline stations; adding a new subsection (5) to s. 526.141, Florida Statutes, requiring attendants at full-service gasoline stations offering self-service to dispense gasoline from the self-service portion of the station to automobiles bearing an "HP" license plate or a license plate stamped with the international wheelchair user symbol upon request of the operator of the vehicle; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Anderson—

SB 1054—A bill to be entitled An act relating to the Department of Natural Resources; adding subsection (7) to s. 370.15, Florida Statutes, prohibiting the taking of shrimp in certain areas at certain times; allowing for the taking of bait shrimp in the closed area under permit by the Division of Law Enforcement; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Judiciary-Criminal.

By Senator Winn—

SB 1055—A bill to be entitled An act relating to personnel of the school system; amending s. 231.07, Florida Statutes, providing specific conditions under which it shall be a misdemeanor of the second degree to insult an instructional staff member; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Steinberg—

SB 1056—A bill to be entitled An act relating to community colleges; adding subsection (6) to s. 230.767, Florida Statutes, providing for funding of certain noncredit life improvement courses for the elderly; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Fechtel—

SB 1057—A bill to be entitled An act relating to parole and probation; amending s. 947.18, Florida Statutes, requiring the Department of Corrections to issue an identification card containing certain information to parolees; requiring parolees to produce such card and identify parole status to certain law enforcement officers; specifying violation of parole for failure to do so; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Ware—

SB 1058—A bill to be entitled An act relating to state attorneys; creating s. 27.018, Florida Statutes; prohibiting state attorneys from representing persons in child support actions; providing exceptions; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators Peterson and Trask—

SB 1059—A bill to be entitled An act relating to medical examiner districts; amending s. 406.05, Florida Statutes, directing the Medical Examiners Commission to establish a separate medical examiner district consisting of Pasco County; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Steinberg—

SB 1060—A bill to be entitled An act relating to educational finance; amending s. 236.013(2)(a), Florida Statutes, relating to the definition of "full-time student" for purposes of the Florida Education Finance Program; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Dunn—

SB 1061—A bill to be entitled An act relating to the Daytona Beach Downtown Development Authority; amending ss. 4, 5(c), chapter 72-520, Laws of Florida; providing a procedure for voluntary inclusions of property into the Daytona Beach Downtown Development District; providing that members of the Authority may be appointed by the Daytona Beach City Commission for 3-year terms without limitation; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators McKnight, Holloway and Anderson—

SB 1062—A bill to be entitled An act relating to Monroe County; amending section 3 of chapter 69-1321, Laws of Florida, as amended, by excepting elected officials from the provisions of said act; providing that all laws, whether general or special, in conflict herewith are superseded; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator McKnight—

SB 1063—A bill to be entitled An act relating to educational facilities; amending s. 235.435(3)(a), Florida Statutes, 1978 Supplement, to allow a percentage of funds allocated from the Public Education Capital and Debt Service Trust Fund to certain boards to be expended on maintenance; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Williamson—

SB 1064—A bill to be entitled An act relating to witnesses; amending s. 90.14, Florida Statutes, 1978 Supplement, increasing the pay for witnesses; amending s. 90.141, Florida Statutes, providing multiple witness fees to an off-duty law enforcement officer testifying in more than one case at his official headquarters; limiting the total of such fees; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senators Skinner and Henderson—

SB 1065—A bill to be entitled An act relating to the Sunland Training Center in Gainesville; creating the Raymond C. Philips Research and Education Unit at such center; prescribing functions of such unit; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Maxwell—

SB 1066—A bill to be entitled An act relating to firefighters; providing definitions; providing qualifications whereby firefighters may be entitled to supplemental compensation; providing a schedule for supplemental compensation payments; providing for the creation of a special fund; providing for the issuance of warrants for the payment of supplemental compensation; providing that the Firefighters Standards and Training Council shall determine eligibility under the act under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Hill—

SB 1067—A bill to be entitled An act relating to the Controlled Substances Therapeutic Research Act; amending s. 402.36(3)(c), (5)(a), Florida Statutes, 1978 Supplement; expanding definition of "practitioner" to include certain osteopathic physicians; requiring the Secretary of the Department of Health and Rehabilitative Services to appoint to the Patient Qualification Review Board of the Controlled Substances Therapeutic Research Program a physician who is licensed pursuant to chapter 459, Florida Statutes, and who meets certain other requirements; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator McKnight—

SB 1068—A bill to be entitled An act relating to education; amending s. 236.013(2)(c), Florida Statutes; revising the definition of full-time equivalent student; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Holloway (by request)—

SB 1069—A bill to be entitled An act relating to education; adding paragraph (r) to s. 240.042(2), Florida Statutes; authorizing the Board of Regents to establish and fund a program for the study of educational spending and standards with respect to elementary and secondary education; creating a Commission on Improvement of Education within the Office of the Governor; providing for subcommittees; providing for a final report to be compiled by the commission based on said study; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Steinberg—

SB 1070—A bill to be entitled An act relating to retardation; amending s. 393.12, Florida Statutes, providing for the appointment of a guardian for the property or person of a retarded person who is competent but lacks certain capabilities; removing provisions requiring an adjudication of incompetency prior to such appointment; providing for the retention of certain rights by the retarded person; providing qualifications for the guardian; providing for the appointment of a guardian for persons who are incompetent; amending s. 744.102(5), Florida Statutes, changing the definition of "incompetent" in guardianship provisions; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Judiciary-Civil.

By Senator Don Childers—

SB 1071—A bill to be entitled An act relating to the transportation and storage of nuclear waste material and other hazardous substances; prohibiting such transportation and storage without a permit from the Department of Environmental Regulation; authorizing the department to seek injunctive relief; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Johnston (by request)—

SB 1072—A bill to be entitled An act relating to state employees; amending s. 240.046, Florida Statutes; authorizing the Board of Regents to permit certain state employees to enroll for limited job-related, on-campus instruction without payment of the registration fee; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator MacKay—

SB 1073—A bill to be entitled An act relating to public officers and employees; amending s. 112.08(1), Florida Statutes, authorizing certain units of government to provide certain group insurance for public officers and employees; amending s. 145.131(3), Florida Statutes, to conform to the act; reenacting s. 373.605(1), Florida Statutes, to incorporate the amendment to s. 112.08, Florida Statutes, in a reference thereto; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Maxwell—

SB 1074—A bill to be entitled An act relating to state agencies; requiring agencies to place certain statements in

certain invitations to bid; requiring bidders to certify compliance or noncompliance with certain anti-inflation guidelines; requiring the Department of General Services, when feasible, to purchase or authorize the purchase of goods or services from companies whose prices and wages have not increased more than a specified amount during a specified period; providing for repeal of the act; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Ware—

SB 1075—A bill to be entitled An act relating to instructional aids; amending ss. 233.11, 233.14(1)(a), 233.15, 233.16(1), (4)(a), (5), and (6), and 233.17(2), Florida Statutes, relating to selection and adoption of instructional materials by the Department of Education and matters related thereto, including prohibited contact with publishers or manufacturers, bids, deposits, and the cap on contract price increases; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Peterson—

SB 1076—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.011, Florida Statutes, requiring the property appraiser to exclude certain portions of the net proceeds of the sale of property in determining just valuation; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Williamson—

SB 1077—A bill to be entitled An act relating to local municipal improvements; amending ss. 170.01 and 170.03, Florida Statutes, 1978 Supplement, relating to authority of municipalities to provide improvements and levy special assessments therefor; providing for additional types of improvements thereunder; providing that special assessment districts may be created to carry out improvements; creating s. 170.061, Florida Statutes; providing for collection and enforcement of assessments in the same manner as county taxes; providing for commissions of property appraisers and tax collectors; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By Senators Stuart and Jenne—

SB 1078—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(6), Florida Statutes, 1978 Supplement; providing a tax exemption for contractors employed by the United States Government, the state, or any county, municipality or political subdivision of this state on sales of tangible personal property which becomes a part of public works owned by such government; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Ware—

SB 1079—A bill to be entitled An act relating to adoption; amending s. 63.172(1)(b), Florida Statutes, providing that a judgment of adoption shall not operate to terminate the legal relationships between an adopted person and a natural parent who is married to a petitioner; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Stuart—

SB 1080—A bill to be entitled An act relating to civil actions against public officers and employees; amending s. 111.07, Florida Statutes; authorizing any agency of the state or politi-

cal subdivision to provide an attorney to defend any civil action brought against its officers, employees, or agents; providing limitations; creating s. 111.071, Florida Statutes; authorizing the payment of judgments or settlements of civil litigation against officers, employees, or agents of any political subdivision; creating s. 111.072, Florida Statutes; authorizing self-insurance, risk-management programs, or the purchase of liability insurance for any claim or judgment which officers, employees, or agents of the state or political subdivisions may be liable to pay pursuant to a civil or civil rights lawsuit described in s. 111.07, Florida Statutes; creating s. 284.312, Florida Statutes; authorizing certain payment of judgments or settlements of litigation against officers, employees, or agents of any state agency; amending s. 768.28(9), Florida Statutes; providing that no officer, employee, or agent of the state shall be personally liable in tort for certain final judgments which have been rendered against him; removing the requirement that the state pay such judgments; repealing s. 111.06, Florida Statutes, relating to the defense of prison and peace officers in civil actions instituted against them; repealing s. 111.08, Florida Statutes, relating to compensation, by the Department of Health and Rehabilitative Services, of officers, employees, or agents for payment of certain judgments; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee E; and the Committee on Ways and Means.

By Senator Maxwell—

SB 1081—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081(1)(c), Florida Statutes, 1978 Supplement; providing a method for the determination of the cost factor for basic programs in grade 12; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Steinberg—

SB 1082—A bill to be entitled An act relating to unemployment compensation; amending s. 443.07(3) and (4), Florida Statutes, 1978 Supplement; extending the time for filing an appeal from an initial determination upon a claim; changing "board" to "commission" in conformance with chapter 78-201, Laws of Florida; extending the time for filing an appeal from the appeals referee's decision; providing that the Division of Employment Security of the Department of Labor and Employment Security may appeal the decision of an appeals referee and the determination of the Unemployment Appeals Commission; amending s. 20.17(5)(1), Florida Statutes, 1978 Supplement, providing for judicial review by notice of appeal rather than by petition for writ of certiorari; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Chamberlin—

SB 1083—A bill to be entitled An act relating to taxation; amending s. 196.031(3)(b), (c), Florida Statutes; increasing the homestead tax exemption for certain disabled persons; removing a ceiling on combined exemptions; republishing s. 196.032, Florida Statutes; providing for reimbursement to certain local governmental units of revenues lost as a result of such increased exemptions; amending s. 196.081(3), Florida Statutes; providing for transfer of certain exemptions from one homestead to another; amending s. 196.202, Florida Statutes; limiting the applicability of an exemption for certain disabled persons; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Scott—

SB 1084—A bill to be entitled An act relating to county courts; amending s. 34.191(3), Florida Statutes, providing that county courts shall assess reasonable costs incurred by municipalities in the prosecution of violations of ordinances and infractions and remit such costs to the municipalities incurring the cost; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Williamson—

SB 1085—A bill to be entitled An act relating to elections; requiring state and local governmental agencies or entities to include certain information in any informational literature they publish with respect to any ballot measure at any election; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Steinberg—

SB 1086—A bill to be entitled An act relating to educational finance; amending s. 236.081(1)(c), Florida Statutes, 1978 Supplement, to establish a cost factor for severely emotionally disturbed programs under the Florida Education Finance Program; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Stuart (by request)—

SB 1087—A bill to be entitled An act relating to guardianship; creating part VIII of chapter 744, Florida Statutes; providing for the creation of an office of public guardian in judicial circuits when a need exists or upon the request of a county; providing for appointment by the chief judge; providing for powers and duties of a public guardian; authorizing the public guardian to appoint subordinates; providing for allocation of costs; providing for budget and annual report; requiring a bond; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Spicola—

SB 1088—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052(1)(c), (d), Florida Statutes, 1978 Supplement; authorizing a county court judge or other member of the Elected State Officers' Class to purchase additional retirement credit for service as a county solicitor prior to a specified date; authorizing certain persons to transfer to the class prior to a specified date; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senators Fechtel and Skinner—

SB 1089—A bill to be entitled An act relating to Clay County; authorizing the Board of County Commissioners of Clay County to grant a nonexclusive franchise for the construction, maintenance, or removal of lines, poles, and facilities within the unincorporated areas of Clay County, along any public property of the county for the transmission, distribution, or sale of electricity; providing for the term of such nonexclusive franchise; providing for the payment of a fee to Clay County for such right and privilege; prohibiting the passing on of such fees to consumers of Clay County; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Dunn—

SB 1090—A bill to be entitled An act relating to institutions of higher learning; amending s. 241.365(4), Florida Statutes, 1978 Supplement; exempting the C. V. Whitney Laboratory of the University of Florida from provisions requiring certain agency approval prior to engaging in construction or lease contracts; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Senator Fechtel—

SB 1091—A bill to be entitled An act relating to education; creating the Education Master Plan Committee; providing for appointment of members by the Commissioner of Education, the Chancellor of the Board of Regents, and the Director of the

Division of Community Colleges of the Department of Education, to serve at their pleasure; providing for submission of recommendations for membership; providing for organization and meeting of subcommittees in congressional districts; providing duties; providing for the annual meeting of an executive subcommittee in Tallahassee and for the selection of delegates thereto; providing for recommendation of proposed legislation or regulation where deemed necessary; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Jenne—

SB 1092—A bill to be entitled An act relating to labor; creating s. 448.085, Florida Statutes; prohibiting certain employers from requiring any person to take a polygraph examination as a condition for employment without the written consent of such person; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Fechtel—

SB 1093—A bill to be entitled An act relating to the cost of health care; requiring specified health care institutions to report certain charges to the Department of Insurance; providing for publication and distribution of such information and information relating to the quality of facilities or services provided; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Gorman—

SB 1094—A bill to be entitled An act relating to the New Communities Act of 1975; amending ss. 163.613(1)(a) and 163.623, Florida Statutes; providing for governing body of new community district; providing for collection and enforcement of assessments and taxes levied by new community districts in the same manner as county taxes; providing for commissions of property appraisers and tax collectors; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs; Ways and Means Subcommittee D; and the Committee on Ways and Means.

By the Committee on Transportation—

SB 1095—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.125(1), Florida Statutes; authorizing an increase in the membership of the Medical Advisory Board of the department; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Henderson—

SJR 1096—A resolution proposing an amendment to Section 4 of Article VII and the creation of Section 18 of Article XII of the State Constitution relating to assessment of property for purposes of ad valorem taxation.

—was read the first time by title and referred to the Committees on Ways and Means and Rules and Calendar.

By Senator Jenne—

SB 1097—A bill to be entitled An act relating to Broward County; amending section 2 of chapter 24415, Laws of Florida, 1947, as amended, relating to the South Broward Hospital District by changing the boundaries of the sub-districts thereof; amending section 3 of chapter 24415, Laws of Florida, 1947, as amended, providing that until June 1, 1985, appointments to the governing body of the South Broward Hospital District

from sub-districts 6 and 7 shall only be made from the portions of subdistricts 6 and 7 that lie within subdistricts 1, 2 and 3; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Jenne—

SB 1098—A bill to be entitled An act relating to habitual felony offenders; adding paragraph (d) to subsection (1) of s. 775.084, Florida Statutes, and amending subsection (4)(a) thereof, defining the term "crime against a person"; providing that habitual felony offenders who are convicted of committing two or more crimes against a person shall not have adjudication of guilt or imposition of sentence suspended, deferred, or withheld, nor shall such an offender be eligible for parole prior to serving the imposed sentence; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator Fechtel—

SB 1099—A bill to be entitled An act relating to the Legislature; creating s. 11.1466, Florida Statutes; requiring certain bills affecting political subdivisions of the state to be accompanied by fiscal notes; providing an effective date.

—was read the first time by title and referred to the Committees on Ways and Means and Rules and Calendar.

By Senator Tobiassen—

SB 1100—A bill to be entitled An act relating to outdoor advertising; adding subsection (5) to s. 479.111, Florida Statutes, 1978 Supplement, providing that certain private campground signs shall be permitted within controlled positions of the interstate and federal-aid primary highway systems; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senator Poole—

SB 1101—A bill to be entitled An act relating to public employee personnel records; creating Part IX, chapter 112, Florida Statutes; providing definitions; providing a right of privacy for public employees with respect to their personnel records; prohibiting any unit of state or local government from releasing any personnel record without the written consent of the employee; providing exceptions; providing a right of access to such records for the public employee; providing the public employee a right of challenge and hearing with respect to the contents of such records; amending s. 119.07(2)(b), Florida Statutes, 1978 Supplement; exempting public employee personnel records from public inspection under chapter 119, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations; Ways and Means Subcommittee E and the Committees on Ways and Means and Rules and Calendar.

By Senator Myers—

SB 1102—A bill to be entitled An act relating to condominiums; amending s. 718.302, Florida Statutes; limiting the cancellation of certain agreements by unit owners other than the developer to those not fair and reasonable; providing criteria under which an agreement is presumptively fair and reasonable and not unconscionable; providing for termination of certain cancellation rights; providing rules of construction; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Scott (by request)—

SB 1103—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.051, Florida Statutes; providing

definitions; providing that blind licensees shall be given first opportunity to participate in the operation of vending stands on state property; providing duties of the Division of Blind Services of the Department of Education relating to establishing vending stands; providing certain notice requirements; providing that income from vending machines accrue to the blind licensee or if none to the division; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Senator Dunn—

SB 1104—A bill to be entitled An act relating to the Unemployment Compensation Law; adding s. 443.22(5), Florida Statutes, 1978 Supplement; providing circumstances under which the signature of a person constitutes prima facie evidence of his identity in certain prosecutions; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senator Henderson—

SB 1105—A bill to be entitled An act relating to energy resources; amending s. 377.22(2), Florida Statutes, requiring rules and orders of the Department of Natural Resources relating to the exploration, drilling, and production of oil, gas, and minerals to require certain environmental protection; amending s. 377.24(1), (2), and (3), Florida Statutes, requiring persons intending to conduct a geophysical survey or drill a well in search of oil, gas, or minerals to pay a reasonable fee to the Department of Natural Resources; requiring the disclosure of certain information; requiring the plugging of certain holes or wells and the payment of a reasonable fee when they are abandoned; amending s. 377.242, Florida Statutes, empowering the department to issue permits for the conducting of geophysical surveys; amending s. 377.244(1), Florida Statutes, providing conditions upon the issuance of permits to conduct such surveys for minerals; deleting reference to the extraction of minerals; changing the requirements for the issuance of such permits; reenacting s. 377.245, Florida Statutes, to incorporate the amendment to s. 377.244, in a reference thereto; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Maxwell—

SB 1106—A bill to be entitled An act relating to community colleges; creating ss. 230.778-230.783, Florida Statutes, providing for the regulation of parking and traffic on community college campuses; providing definitions; authorizing community colleges to adopt traffic regulation rules; providing applicability of certain municipal traffic ordinances; providing for fines and penalties; specifying use of traffic and parking fines; specifying duties and authority of community college police officers; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Steinberg—

SB 1107—A bill to be entitled An act relating to regulation of boats; amending s. 371.021(1) and (8), Florida Statutes, and adding subsection (18), and amending ss. 371.031(1), 371.041, 371.171(1), 371.65(1), 371.75(1), 371.76(1), and 371.77, Florida Statutes; requiring the registration and numbering of houseboats; providing fees; providing for title certificates; providing for hull serial numbers; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senators Holloway, McKnight and Anderson—

SB 1108—A bill to be entitled An act relating to Monroe County; creating and establishing a local government study commission in Monroe County to study the structures, services,

functions and operations of all governmental units and bodies located within said county, including the county government, municipal governments, public bodies corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof; determining the need, if any, for unification of services, separation, addition, removal or other revision of such structures, services, functions and operations; determining whether tax savings can be made and whether efficiency can be gained through such revision of such local governmental structures, services, functions, and operations; requiring said commission to present a recommendation or recommendations for any solution of problems disclosed as a result of such study to the members of the Legislature from Monroe County or to the Monroe County Commission or municipal governing bodies for enactment or implementation of such recommendation or recommendations; providing for the number and appointment of the members of such commission and providing a method of filling vacancies; providing for the organization and term of such commission; prescribing its duties and powers; providing for an appropriation for the payment of the cost of operation of such commission; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committees on Executive Business and Rules and Calendar.

By Senator Skinner—

SB 1109—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15(1)(b), Florida Statutes, 1978 Supplement, and adding subsections (3) and (4) to said section; authorizing inspectors or road-guard inspection special officers of the department to execute search warrants; requiring law enforcement officers to cooperate with certain employees of the department; authorizing law enforcement officers to stop and detain certain vehicles and to require their return to road-guard inspection station; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture, Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Steinberg—

SB 1110—A bill to be entitled An act relating to landlord and tenant law; amending s. 83.49(2), Florida Statutes, providing that all security deposits or advance rents held in excess of 6 months by a landlord or his agent shall accumulate interest at the rate of 5 percent per annum and shall be credited to the tenant; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Anderson—

SB 1111—A bill to be entitled An act relating to regulation of coastal construction; amending s. 253.124(1) and (8), Florida Statutes, 1978 Supplement; providing that applications for filling land and for construction of coastal structures or restoration of lands shall be made to the board of county commissioners in areas where a charter county or a charter county agency has been designated as the authorized local pollution control program; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Vogt—

SCR 1112—A resolution supporting the designation of July 18, 1979, by the United States Congress, as "National POW-MIA Recognition Day".

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator MacKay—

SCR 1113—A concurrent resolution recognizing the accomplishments of Dr. Erich A. Farber in the field of solar energy.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Peterson—

SB 1114—A bill to be entitled An act relating to educational funding; adding a new subsection (4) to s. 236.081, Florida Statutes, 1978 Supplement, to require expenditure of a percentage of funds allocated to each school district for current operation for school library media services; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Williamson—

SB 1115—A bill to be entitled An act relating to the partnership laws; amending s. 620.07, Florida Statutes, relating to immunity from liability of limited partners; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator McKnight—

SB 1116—A bill to be entitled An act relating to private school corporations; amending s. 623.12, Florida Statutes, relating to boards of directors of such corporations; providing for number of members, election, and terms thereof; providing for separate offices of secretary and treasurer and for other officers as specified by the bylaws of the board; ratifying actions of certain boards; providing for construction; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Chamberlin—

SB 1117—A bill to be entitled An act relating to collective bargaining for public employees; amending s. 447.503(3), Florida Statutes; requiring the Public Employees Relations Commission to expeditiously determine charges of certain violations of chapter 447, Florida Statutes; authorizing the commission to issue cease and desist orders against violators; providing for a fine for violation; providing for disposition of such fine; providing for an award of attorney's fees and certain other costs of litigation; providing that the certification year for an employee organization may be extended under certain circumstances; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Scarborough—

SB 1118—A bill to be entitled An act relating to retirement; amending s. 112.05(2), Florida Statutes; prescribing the amount of the annual cost-of-living adjustment to the benefits of certain qualified retired state officers or employees; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senators Barron and Maxwell—

SB 1119—A bill to be entitled An act relating to alcoholic beverage containers; amending ss. 565.05 and 565.10, Florida Statutes, relating to the purchase, sale, and distribution of distilled spirits in containers of liter measure; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Grizzle—

SB 1120—A bill to be entitled An act relating to juveniles; amending s. 39.01(10), Florida Statutes, 1978 Supplement, to redefine "community control" for purposes of certain programs involving children found to have committed a delinquent act; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Gordon—

SB 1121—A bill to be entitled An act relating to hospitals; creating s. 395.201, Florida Statutes; requiring hospitals to use problem-oriented medical records for its patients; prescribing contents of such records; requiring the Department of Health and Rehabilitative Services to establish criteria for such records; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Stuart—

SB 1122—A bill to be entitled An act relating to county government; amending s. 125.01(6), Florida Statutes, and adding subsection (7) to said section; providing procedures for placing the burden for paying for the costs of services and programs specially for the benefit of unincorporated areas of a county on the residents and property within such area; providing a procedure by which the county remits to a municipality or municipalities the identified cost of such service or program; prohibiting the expenditure of county revenues for certain services or projects under certain circumstances; directing the Advisory Council on Intergovernmental Relations to study the relationship of federal and state shared revenue programs and file a report of its findings; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Stuart—

SB 1123—A bill to be entitled An act relating to the performing arts; adding s. 265.30(3), Florida Statutes; providing for a grant program for the development of a nationally recognized Florida performing arts group; providing guidelines for selection and funding of the group; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator MacKay—

SB 1124—A bill to be entitled An act relating to insurance of educational facilities; creating part III of chapter 284, Florida Statutes; creating the Florida Public Schools Fire Insurance Trust Fund and the Florida Public Community Colleges Fire Insurance Trust Fund; providing for administration and coverage of such funds; providing for the use of proceeds of certain investments; requiring district school boards and boards of trustees of public community colleges to furnish certain information to the Department of Insurance; providing for inspection of property insured under such funds; providing for the purchase of reinsurance and of risk management services; providing for coverage of certain leased property under such funds; authorizing the continuation of certain policies of insurance; providing for the adoption of rules; extending the bond of the State Treasurer and Insurance Commissioner; providing for annual appropriations; authorizing allocations for the fiscal year 1979-1980; requiring certain contracts to prohibit certain indemnification; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Commerce and Ways and Means.

By Senator MacKay—

SB 1125—A bill to be entitled An act relating to motor vehicles; amending s. 316.1955(1), (2), (4), (6), Florida Statutes; requiring governmental agencies to provide parking spaces for disabled persons who have been issued special parking taglets; providing standards for such parking spaces; prescribing the persons and vehicles which may use such parking spaces; prohibiting the unauthorized use of such parking spaces; providing a penalty; amending s. 316.1956(1), (2), (3), Florida Statutes; conforming provisions permitting voluntary provision of parking spaces for disabled persons by nongovernmental entities; conforming standards for such parking spaces; prescribing the persons and vehicles which may use such parking spaces; prohibiting the unauthorized use of such parking spaces; providing a penalty; amending s. 316.1964, Florida Statutes; exempting vehicles transporting disabled persons from fees and penalties; requiring the Department of Highway Safety and

Motor Vehicles to issue exemption entitlement taglets to certain disabled persons; changing the eligibility requirements for such exemptions; authorizing the department to adopt rules and forms and to prescribe fees; prohibiting a person from fraudulently obtaining or unlawfully using such taglet or using a replica thereof; repealing s. 320.0806, Florida Statutes; relating to "HP" license plates; repealing s. 320.0842(5) and (6), Florida Statutes; relating to parking fees and penalties for vehicles bearing "DV" license plates; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; Economic, Community and Consumer Affairs; and Ways and Means.

By Senators MacKay, Myers and Gordon—

SB 1126—A bill to be entitled An act relating to household property tax relief; providing for an ad valorem tax credit to owners of eligible homesteads; providing a tax rebate to certain residents of the state who rent and occupy a housing unit; prescribing the manner of granting credits and rebates; requiring state reimbursement to school districts of lost revenue; authorizing the Department of Revenue to adopt certain rules; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senators Anderson and McKnight—

SCR 1127—A concurrent resolution commending the University of Miami Women's Golf Team.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Fechtel—

SB 1128—A bill to be entitled An act relating to environmental land and water management; amending s. 380.06(6), (7)(e), Florida Statutes; providing that the developer of a development of regional impact located within the jurisdiction of a local government that has adopted a zoning ordinance shall have the right to request from the regional planning agency a determination of the issues to be addressed with respect to the proposed development; providing for affected state agencies to review and report on issues within their jurisdiction; directing the regional planning agency to take described action with respect to such reports; providing for elimination of unsubstantial or previously generated information; providing for development orders to be binding on local government and the developer; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Jenne—

SB 1129—A bill to be entitled An act relating to indigent defendants in criminal proceedings; amending s. 914.06, Florida Statutes; providing for the award of reasonable compensation to an expert witness summoned by an indigent defendant in a criminal case; amending s. 914.11, Florida Statutes; allowing an indigent defendant in a criminal case to subpoena witnesses without a court determination of necessity; amending s. 939.07, Florida Statutes; deleting certain limitations on the right of an indigent criminal defendant to summon witnesses; providing for payment of an indigent defendant's cost of copies of certain depositions and transcripts; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal, Judiciary-Civil and Ways and Means.

By Senator Anderson—

SB 1130—A bill to be entitled An act relating to permits issued by the Game and Fresh Water Fish Commission; amending s. 372.573(2), Florida Statutes; authorizing each county tax collector to retain a certain amount of each permit fee resulting from the issuance of a permit to use recreational lands owned, managed, or leased by the Game and Fresh Water Fish Commission or the state; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Hair—

SB 1131—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02(1), Florida Statutes; providing for an increase in the excise tax on deeds and other instruments relating to realty; amending s. 201.15, Florida Statutes; providing for distribution of taxes collected pursuant to chapter 201, Florida Statutes, to the General Revenue Fund of the state and to the Land Acquisition Trust Fund; repealing s. 201.021, Florida Statutes, which imposes a surtax on documents relating to realty; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Jenne—

SB 1132—A bill to be entitled An act relating to banks; amending s. 659.03(1)(a), Florida Statutes; requiring each organizer, proposed director, officer, and majority stockholder of a proposed bank or trust company to file with the Department of Banking and Finance a complete set of fingerprints; requiring the Department of Banking and Finance to submit such fingerprints to the Department of Criminal Law Enforcement or the Federal Bureau of Investigation for state and federal processing; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Henderson—

SB 1133—A bill to be entitled An act relating to alcoholic beverages; creating s. 561.66, Florida Statutes; requiring the licensee of certain alcoholic beverage premises to set aside an area within the premises for the purposes of seating non-smoking patrons; requiring signs designating this area; providing criteria for determining the number of tables for such areas; requiring all licensees to attempt to seat all nonsmoking patrons who so request in the nonsmoking area; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator MacKay—

SB 1134—A bill to be entitled An act relating to education; amending s. 236.088(2), Florida Statutes; expressing the intent that university laboratory schools participate in the Florida Compensatory Education Act of 1977; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Poole—

SB 1135—A bill to be entitled An act relating to cigarette vending machines; amending s. 210.07(3), Florida Statutes, and adding subsection (5), relating to identification stickers required for cigarette vending machines, to require that such stickers be obtained annually and to provide a fee therefor; requiring that tamperproof metering devices be affixed to cigarette vending machines; authorizing the Division of Alcoholic Beverages and Tobacco to promulgate rules; amending s. 210.12(1), Florida Statutes; permitting the division to seize vending machines that do not have approved metering devices affixed to them; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Scarborough—

SB 1136—A bill to be entitled An act for the relief of Hermon L. Plunkett, Sr.; providing an appropriation to compensate him for losses sustained as a result of an error in the determination of the extent of his disability; providing an effective date.

—was read the first time by title and referred to the Special Master; Ways and Means Subcommittee E; and the Committee on Ways and Means.

By Senator Vogt—

SB 1137—A bill to be entitled An act relating to forgery; amending s. 831.01, Florida Statutes; making it unlawful for any person to falsely make, alter, forge, or counterfeit a contract with intent to injure or defraud any person; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Dunn—

SB 1138—A bill to be entitled An act relating to the Stephen Foster Memorial; amending s. 265.13, Florida Statutes, 1978 Supplement; providing for the transfer of the Stephen Foster Memorial Board of Trustees from the Department of State to the Department of Natural Resources; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Natural Resources and Conservation and Ways and Means.

By Senator Frank—

SB 1139—A bill to be entitled An act relating to the Governor; providing an appropriation to fund the Governor's Commission on the Status of Women; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Grizzle—

SB 1140—A bill to be entitled An act relating to sexual battery; creating s. 794.07, Florida Statutes; providing that a charge of sexual battery may be brought by an individual against his or her legal spouse; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Holloway, McKnight and Anderson—

SB 1141—A bill to be entitled An act relating to the City of Key West, Monroe County; creating The City of Key West Sewer Authority; prescribing its powers and authority; providing the manner, number and terms, method of appointment and qualifications of members; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Holloway—

SB 1142—A bill to be entitled An act relating to the Beverage Law; creating s. 562.165, Florida Statutes; providing for home production by certain persons of specified amounts of beer and wine; providing that any amount produced in excess of such amount is a violation of the Beverage Law; amending s. 561.01(7), Florida Statutes, 1978 Supplement; providing a definition; repealing s. 564.035, Florida Statutes, providing for production of wine for family use; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Holloway (By request)—

SM 1143—A memorial to the Congress of the United States, urging Congress to propose an amendment to the Constitution of the United States to prohibit the incurrence of national debt except in a state of emergency as declared by a three-fourths vote of the members of both houses of Congress.

—was read the first time by title and referred to the Committees on Ways and Means and Rules and Calendar.

By Senator Jenne—

SB 1144—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; adding s. 319.23(9), Florida Statutes, 1978 Supplement; requiring the department to establish a separate title office to expedite certain services; providing for a fee for such services; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Johnston—

SB 1145—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.081(1)(i), Florida Statutes, and adding paragraph (j) to said subsection; authorizing past service retirement credit claimed by certain members for educational leave with pay prior to December 31, 1971; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Johnston—

SB 1146—A bill to be entitled An act relating to program offices in the Department of Health and Rehabilitative Services; amending s. 20.19(3)(c), Florida Statutes, 1978 Supplement, establishing a Medicaid Program Office; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

SB 1147—Withdrawn prior to introduction

By Senator Trask—

SB 1148—A bill to be entitled An act relating to cypress products; creating s. 581.188, Florida Statutes; prohibiting the sale or offering for sale of certain cypress products without a permit issued by the Department of Agriculture and Consumer Services; providing that possession of such products in a retail establishment without such permit constitutes prima facie evidence of violation; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture, Commerce and Ways and Means.

By Senator Frank—

SB 1149—A bill to be entitled An act relating to educational accountability; creating s. 232.2481, Florida Statutes; extending the requirements of ss. 232.245, 232.246, 232.247 and 232.248, Florida Statutes, to elementary and secondary school programs operated by other state and local public agencies; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Johnston—

SB 1150—A bill to be entitled An act relating to retardation; amending s. 393.15(5), Florida Statutes; providing for forgiving the repayment of group-living home loans granted prior to October 1, 1976, and those granted on or after October 1, 1976; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Scarborough—

SB 1151—A bill to be entitled An act relating to retirement; amending s. 112.05(2)(c), Florida Statutes; deleting the percent-

age maximum imposed upon the annual cost-of-living increase available to qualified state officials or employees who are retired; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Steinberg—

SB 1152—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Act; amending s. 501.202 (2), Florida Statutes, conforming the purpose of the act; amending s. 501.203, Florida Statutes, expanding the scope of the act to include transactions beyond those transactions between a consumer and supplier; changing the circumstances in which the Department of Legal Affairs may enforce the act; clarifying the types of rules the violation of which is subject to a penalty; amending s. 501.205, Florida Statutes, 1978 Supplement, empowering the department, rather than the Cabinet, to adopt rules specifying prohibited acts and practices; deleting provisions restricting the act and rules thereunder to certain federal laws and court opinions; adding a subsection to s. 501.206, Florida Statutes, clarifying the state attorneys' continued powers with respect to criminal investigations; creating s. 501.2065, Florida Statutes, requiring the office of state attorney to notify the Department of Legal Affairs of civil actions it files under the act and specifies the effect of failure to notify; amending s. 501.207, Florida Statutes, providing additional remedies for the enforcing authority; removing the requirement that the enforcing authority make a finding of probable cause prior to filing an action; expanding the remedies which the court may order pursuant to an action filed under the act; expanding the time period in which such actions may be filed; providing for termination of the action upon the violator's acceptance of an administrative consent order and specifies consequences of failures to comply therewith; amending s. 501.208, Florida Statutes, 1978 Supplement, conforming provisions relating to cease and desist orders to the Administrative Procedures Act and limiting the authority to seek such orders to the Department of Legal Affairs; providing for expeditious review of petitions for such orders; removing provisions authorizing the enforcing authority to seek such orders pursuant to applicable local ordinances; amending s. 501.209, Florida Statutes, to conform to the act; creating ss. 501.2092-501.2095, Florida Statutes, specifying penalties for violations of the act and certain orders issued thereunder; entitling the enforcing authority to recovery of costs under certain circumstances; specifying certain presumptions and admissibility of evidence with respect to a finding of knowledge or intent to violate the act; providing for the disposition of penalties and costs; amending ss. 501.210(1) and 501.211(1) and (2), Florida Statutes, conforming provisions relating to attorney's fees and individual remedies to the act; repealing s. 501.2091, Florida Statutes, removing provisions authorizing stays in proceedings under the act under certain circumstances; repealing s. 501.212(4) and (5), Florida Statutes, removing exemptions from the act provided to certain holders in due cause and transferees of negotiable instruments without knowledge of violations of the act and provided to persons regulated by the Department of Insurance and by the Public Service Commission and banks and savings and loan associations regulated by the Department of Banking and Financing; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senator Vogt—

SB 1153—A bill to be entitled An act relating to state-owned buildings; adding s. 255.249(4), Florida Statutes, 1978 Supplement; requiring the Division of Building Construction and Property Management of the Department of General Services to prepare and update annually a comprehensive space inventory of all state-owned office buildings; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Holloway—

SR 1154—A resolution honoring the state veterans of war.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Anderson—

SB 1155—A bill to be entitled An act relating to insurance; amending s. 626.321(1)(e), Florida Statutes; providing that certain individuals or entities receiving commissions from the sale of credit life or disability insurance shall be the licensed agents of the insurer; adding s. 627.677(3), Florida Statutes; defining creditor agent; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Anderson—

SB 1156—A bill to be entitled An act relating to public works; prohibiting political subdivisions and governmental agencies from adopting any provision establishing a prevailing wage rate; providing that any ordinance, resolution, or rule of a political subdivision, agency, or authority establishing a prevailing wage rate is void; providing that no existing contract shall be impaired; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Hill—

SB 1157—A bill to be entitled An act relating to insurance; providing a definition; prohibiting insurers from issuing deposit term insurance policies in the state; directing the Department of Insurance to promulgate specified rules with respect to such policies in effect on the effective date of the act; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Chamberlin—

SB 1158—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08(2)(a), Florida Statutes, 1978 Supplement; exempting the sale of hypodermic needles and syringes from said tax; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator McKnight—

SR 1159—A resolution honoring Dr. John W. DeMilly, Jr., and the Homestead Rodeo Association.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Dunn—

SB 1160—A bill to be entitled An act relating to senior citizens; creating the Florida Seniors Committee to study the demography and impact of Florida's senior citizen population on the economy and to develop recommendations relating to its needs; providing the powers and duties of said committee; providing the composition of said committee; authorizing said committee to hire certain personnel; requiring the committee to submit a report of findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House by a specified date; providing an appropriation; providing for report of the act; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Governmental Operations and Ways and Means.

By Senator Anderson—

SB 1161—A bill to be entitled An act relating to crawfish; amending s. 370.14(3)(i), Florida Statutes; requiring that the receipt for the posting of bond for the possession of undersized crawfish must be kept aboard boats used by license-holders; providing that such receipt and any harvested crawfish are subject to inspection at all times; deleting provision limiting the conditions for search or inspection of any boat or crawfish; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Poole—

SB 1162—A bill to be entitled An act relating to the Beverage Law; amending s. 564.05, Florida Statutes; making it unlawful to sell wine in containers holding more than 4 liters; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senators Trask and Peterson—

SB 1163—A bill to be entitled An act relating to the permitting of consumptive uses of water; creating s. 373.244, Florida Statutes; authorizing the governing board of a water management district to issue temporary permits for the consumptive use of water while an application is pending for a permit; providing notice requirements; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Hair—

SB 1164—A bill to be entitled An act relating to the dedication and approval of subdivision plats; amending s. 177.081(1), Florida Statutes; deleting the requirement that a mortgagee execute the subdivision plat; providing that a mortgagee shall either execute the subdivision plat, or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Stuart (By request)—

SB 1165—A bill to be entitled An act relating to state employees; adding s. 683.011(3), Florida Statutes; establishing one personal paid holiday for permanent, full-time state employees; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committees on Ways and Means and Rules and Calendar.

By Senator Holloway—

SB 1166—A bill to be entitled An act relating to driver's license examinations; amending s. 322.12(2), Florida Statutes, 1978 Supplement; providing that driver's license examinations shall test an applicant's hearing; authorizing applicants to use interpreters under certain circumstances; amending s. 322.121(1), Florida Statutes, 1978 Supplement; providing that driver's license reexaminations shall test an applicants knowledge of the state's traffic laws; authorizing applicants to use interpreters under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Barron—

SB 1167—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.072(1), Florida Statutes, 1978 Supplement; deleting the requirement that the Department of Highway Safety and Motor Vehicles verify financial responsibility of a person whose license has been revoked or suspended after failure to comply with a civil penalty, to appear, or to post bond imposed in connection with the receipt of a uniform traffic citation; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senators Trask, Peterson and W. D. Childers—

SB 1168—A bill to be entitled An act relating to sewage disposal facilities; amending s. 403.086(3), Florida Statutes,

1978 Supplement; providing that septic tanks with a capacity of 5,000 gallons or less are not required to provide advance and secondary waste treatment; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator McKnight—

SB 1169—A bill to be entitled An act relating to county government; amending s. 125.01(1)(k), Florida Statutes; providing that the governing body of a county has the power to provide and regulate, exclusively or otherwise, waste and sewage collection and disposal, water supply, and conservation programs; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation; and Economic, Community and Consumer Affairs.

By Senator Gordon—

SB 1170—A bill to be entitled An act relating to the taxation of oil; adding s. 211.01(15), (16), Florida Statutes; providing definitions; creating s. 211.021, Florida Statutes; imposing an additional tax on old and new oil; prescribing the rate of such tax; providing for the deposit of the proceeds of the tax in the Environmentally Endangered Lands Trust Fund and prescribing the use of such proceeds; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Vogt—

SB 1171—A bill to be entitled An act relating to siting of electrical transmission lines; adding s. 380.06(16), Florida Statutes; exempting all electrical transmission lines from provisions of chapter 380, Florida Statutes; amending s. 23.0191(1), Florida Statutes; requiring each electric utility to include in its 10-year site plan certain proposed electrical transmission line locations; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Tobiasen, W. D. Childers, Barron, Thomas, Peterson, Stuart, Hair, Gorman, Fechtel, Skinner, Trask, Neal, Carlucci and Scarborough—

SB 1172—A bill to be entitled An act relating to public schools; amending s. 236.081(2), Florida Statutes, 1978 Supplement; providing for computation of the district cost differentials used in calculating the Florida Education Finance Program; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Peterson—

SB 1173—A bill to be entitled An act relating to private sector employment under the Federal Comprehensive Employment Training Act of 1978; providing legislative purpose; creating the Florida Occupation Information Coordinating Committee; requiring the committee to provide analyses of state labor markets; requiring the Office of Manpower Planning of the Department of Community Affairs to provide certain assistance to certain businesses; requiring the Division of Purchasing of the Department of General Services to promote governmental use of certain goods and services; requiring the Office of Manpower Planning to provide certain reports; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Commerce and Ways and Means.

By Senator Carlucci—

SB 1174—A bill to be entitled An act relating to chemical tests for intoxication; amending s. 322.262(3), Florida Statutes; providing that failure to comply with the techniques or methods prescribed by the Department of Health and Rehabilitative

Services shall not make the results of the test inadmissible but such failure shall go only to the weight of the evidence; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Henderson—

SB 1175—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.6225, Florida Statutes, defining "solar energy water heating system"; providing for a reduction in the assessed value of property on which a solar energy water heating system is installed; providing procedures for claiming the right of such assessment; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Hill—

SB 1176—A bill to be entitled An act relating to service charges by the clerk of the circuit court; amending s. 28.24, Florida Statutes, 1978 Supplement; providing that in those counties where the clerk's office operates as a fiscal unit of the county, the clerk is prohibited from charging the county for services rendered by his office; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Anderson—

SB 1177—A bill to be entitled An act relating to stone crab traps; amending s. 370.13(2)(a), (3), Florida Statutes, and adding paragraph (k) to subsection (2); prohibiting the transportation of, or fishing with, any such trap which does not have a biodegradable top and throat; prohibiting the molestation of certain traps, lines, or buoys; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Skinner—

SB 1178—A bill to be entitled An act relating to county courts; amending s. 34.01(1), Florida Statutes; providing original jurisdiction for county courts of certain violations of law specified in s. 316.655(4), Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Hair—

SB 1179—A bill to be entitled An act relating to notice of meetings or hearings of governmental boards, commissions, and agencies; requiring such notice to include advice relating to the preparation of a record upon which an appeal may be based; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator MacKay—

SB 1180—A bill to be entitled An act relating to the State Institutions Claims Fund; amending s. 402.181(1), Florida Statutes; providing for the payment of direct medical expenses to certain children placed in the Department of Health and Rehabilitative Services community control programs; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Johnston—

SB 1181—A bill to be entitled An act relating to health-care facilities; providing that any project for which an exemption from ss. 381.493-381.495, Florida Statutes, is provided by s. 381.497, Florida Statutes, shall remain exempt from the provisions of ss. 381.493-381.495, Florida Statutes, notwithstanding

the repeal of s. 381.497, Florida Statutes, if certain conditions are met; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Peterson—

SB 1182—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.011, Florida Statutes; providing that the property appraiser, in determining just value, shall not weight any increase in valuation due to the sale of similar properties to an extent greater than a specified proportion; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senators Peterson, Maxwell, Steinberg, MacKay, Tobiasen, Gordon, Fechtel, Trask, W. D. Childers, Stuart, Barron and Poole—

SB 1183—A bill to be entitled An act relating to education; designating the State Board of Education as the statewide coordinating and planning agency for postsecondary education; prescribing powers, functions, and responsibilities of the state board; providing for the operation of each state university by a separate board of trustees; prescribing membership, terms, powers, and duties of the boards of trustees; transferring the Board of Regents and the Board of Regents General Office to the Office of the Commissioner of Education; providing for the assignment of the positions, funds, property, and resources of the Board of Regents General Office to the Division of Universities of the Department of Education; authorizing reassignments; repealing s. 240.011, Florida Statutes, 1978 Supplement, relating to membership of the Board of Regents; requiring preparation of a reviser's bill; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Johnston—

SB 1184—A bill to be entitled An act relating to interest and penalties attributable to estate or other death taxes; amending ss. 738.05(1), 738.13(1)(a), (3)(e), Florida Statutes, and adding s. 738.05(4), Florida Statutes; providing that such interest and penalties may be charged against the principal or the income of an estate or a trust; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator Henderson—

SB 1185—A bill to be entitled An act relating to the Florida Thermal Efficiency Code; amending ss. 553.904-553.906, Florida Statutes, as amended; providing that the standards of the Florida Model Energy Efficiency Code for Building Construction may be accepted for thermal design and operations for new nonresidential, new residential, or renovated buildings; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Johnston—

SB 1186—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.08, Florida Statutes, 1978 Supplement; prohibiting the taking of food fish from the waters within or without this state with a gill net larger than a specified size; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Holloway—

SB 1187—A bill to be entitled An act relating to drivers' licenses; amending s. 43.41, Florida Statutes, and s. 322.25(6), Florida Statutes, 1978 Supplement; authorizing clerks of the court to submit data relating to traffic offense dispositions to the Department of Highway Safety and Motor Vehicles in an automated fashion; adding s. 322.20(4)-(6), Florida Stat-

utes, 1978 Supplement; requiring the department to adopt rules and procedures for the automated reporting of traffic dispositions; requiring the department to publish statistics and provide notice to court clerks concerning deletions from their records; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Hair—

SB 1188—A bill to be entitled An act relating to notaries public; amending s. 117.03, Florida Statutes; providing that certain acknowledgments before a notary public constitute an oath; providing penalties; amending ss. 117.07, 695.03(2), Florida Statutes; providing a method of taking acknowledgments by a notary; repealing s. 117.02, Florida Statutes, which provides that women over 18 years of age are eligible to be appointed as notaries public upon the same terms and conditions as notaries being appointed by the Governor, and provides that a woman notary public who subsequently changes her name may use such name under which the commission was issued until such commission expires and shall then apply for a new commission using her legal name; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Myers—

SB 1189—A bill to be entitled An act relating to mental health; revising the Florida Mental Health Act; amending s. 394.453, Florida Statutes; providing legislative intent with respect to "placement" rather than "hospitalization" and with respect to the employment of the least restrictive means of intervention; amending various provisions of said act to accomplish such intent; amending s. 394.455(2), Florida Statutes, and adding subsection (22); defining "mental health professional" to include physicians and other specified practitioners; providing duties and responsibilities of mental health practitioners under said act; defining "express and informed consent"; specifying when such consent is required under said act; amending s. 394.457(2), (6), (8), and (9), Florida Statutes, 1978 Supplement, relating to responsibilities of the Department of Health and Rehabilitative Services, hearings, and designation of treatment facilities; amending s. 394.459(1), (2), (3)(a), (4)(b), (5), (8), (9), (10)(a) and (12), Florida Statutes, 1978 Supplement, relating to rights of patients; providing for physical examinations; providing requirements relating to reports of abuse; providing for inclusion of human rights advocacy committees in designation of representatives; providing conditions for selection of the department as representative; providing for consultation with patient; amending s. 394.460, Florida Statutes, relating to rights of mental health professionals; amending s. 394.461(3)(b), Florida Statutes, relating to transfers of patients; amending s. 394.463, Florida Statutes, relating to emergency admissions and court-ordered evaluation; providing criteria; revising requirements with respect to selection of representatives; amending s. 394.465, Florida Statutes, relating to voluntary admissions; revising age requirements and time limitations; providing for initiation of procedures for court-ordered evaluation; amending s. 394.467, Florida Statutes, 1978 Supplement, relating to involuntary placement; providing criteria; amending s. 394.469, Florida Statutes, relating to discharge of patients; amending s. 394.471, Florida Statutes, relating to validity of prior orders; amending s. 394.473, Florida Statutes, relating to mental health professionals' fees; amending s. 394.475, Florida Statutes, relating to acceptance of Florida residents from out-of-state authorities; amending s. 394.477, Florida Statutes, relating to residence requirements; amending s. 827.09, Florida Statutes, relating to abuse of disabled persons; deleting reference to "developmentally" disabled persons and providing that disabled persons include those suffering from mental illness; revising references to central registry; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Hair (by request)—

SB 1190—A bill to be entitled An act relating to interest rates; amending s. 687.12(1), Florida Statutes; providing parity

with regard to interest rates charged by any lender or creditor who is licensed or chartered under the provisions of chapter 494 or chapter 624, Florida Statutes, and whose business is located in this state; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Maxwell—

SB 1191—A bill to be entitled An act relating to personnel of the school system; amending s. 231.17(6), Florida Statutes, 1978 Supplement; authorizing the Department of Education to deny an applicant a teaching certificate under certain circumstances; providing for review by the Professional Practices Council and appeal to the Commissioner of Education; amending s. 231.28, Florida Statutes, 1978 Supplement; providing for the suspension or revocation of teaching certificates by the Professional Practices Council; creating s. 231.281, Florida Statutes; providing for appeals from decisions of the council; amending s. 231.36(2), Florida Statutes, 1978 Supplement; requiring a copy of certain proceedings against a person under contract with a school board to be sent to the council; amending s. 231.57, Florida Statutes, 1978 Supplement; abolishing the present Professional Practices Council and recreating the council; providing for the composition of the council; providing qualifications and terms of office; providing duties of the council; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator Jenne—

SB 1192—A bill to be entitled An act relating to public defenders; amending s. 27.50, Florida Statutes; prescribing qualifications for public defenders; amending s. 27.51, Florida Statutes; prescribing duties of public defenders; specifying the persons whom a public defender is required or permitted to represent; requiring the appointment of a public defender or private counsel to represent certain persons; authorizing a public defender to accept voluntary services; prescribing conditions of service of public defenders and assistant public defenders; amending s. 27.52, Florida Statutes; prescribing standards for the determination of indigency; providing that the parents of certain minors are liable for certain costs; amending s. 27.53(2), (3), Florida Statutes, 1978 Supplement; authorizing appointment and payment of a member of The Florida Bar to represent an indigent defendant; requiring such appointment and payment in certain circumstances; amending s. 27.5301(1), Florida Statutes; providing for the salaries of public defenders; amending s. 27.54(2), Florida Statutes; authorizing a county or municipality to contribute funds to a public defender's office for certain purposes; amending s. 27.55, Florida Statutes; providing standards for compensation of a public defender, and for expenditures for his office, in a newly created judicial circuit; amending s. 27.58, Florida Statutes; providing a rule of construction; amending s. 27.59, Florida Statutes; granting public defenders, assistant public defenders, and their investigators access to certain prisoners at any time; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator Peterson—

SB 1193—A bill to be entitled An act relating to education; creating s. 229.516, Florida Statutes; requiring the Commissioner of Education to define certain terms; providing for comparability of certain data; requiring the commissioner to conduct certain studies and establish certain standards; creating s. 240.079, Florida Statutes; providing that allocations to universities be based on assigned enrollment; providing for adjustments; amending s. 230.767(4)(a), Florida Statutes; providing for adjustments in apportionments to public community colleges; creating s. 229.519, Florida Statutes; requiring the commissioner to estimate and project enrollments; providing that such estimates and projections, as accepted or modified by the Legislature, are the basis for certain allocations; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Hair—

SB 1194—A bill to be entitled An act relating to conveyances of land and declarations of trust; amending s. 689.06, Florida Statutes; deleting provision requiring conveyances of trust estates to be under seal; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators Fechtel and Chamberlin—

SB 1195—A bill to be entitled An act relating to worthless checks and drafts; adding a new subsection (3) to s. 832.05, Florida Statutes, prohibiting the cashing or depositing of certain instruments at banks or depositories with intent to defraud; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Maxwell (by request)—

SB 1196—A bill to be entitled An act relating to motor vehicle repair; providing definitions; requiring motor vehicle repair shops to provide repair orders under certain circumstances; prescribing the content of such orders; restricting the imposition of a charge for a repair estimate; prohibiting demand of waiver of a customer's rights under the act; requiring notification if repairs exceed the estimate by a specified amount; restricting the imposition and collection of payment for unauthorized repairs; providing for return of vehicle; requiring the shop to provide the customer with an invoice of repairs made; prescribing the content of the invoice; limiting imposition of a storage fee; requiring shops to maintain certain records; prohibiting a customer from pursuing certain remedies under certain circumstances; providing for release of a vehicle upon posting certain bond; providing for award of costs, attorney's fees, and damages; providing circumstances for award of treble damages; prohibiting enforcement of a lien by a shop or refusal to return the vehicle if the shop fails to comply with the act; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senator Stuart (by request)—

SB 1197—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(6) Florida Statutes, 1978 Supplement; modifying rates of per diem and subsistence allowance for certain travelers; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Fechtel—

SB 1198—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.084(2) and (3), Florida Statutes, and adding a new subsection (3) thereto; requiring the Department of Highway Safety and Motor Vehicles to issue a new permanent "DV" numerical license plate; providing for reissuance at 8-year intervals; providing for validation stickers; providing for annual revalidation; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Chamberlin—

SB 1199—A bill to be entitled An act relating to personnel of the school system; repealing s. 231.17(3), Florida Statutes, as created by chapter 78-423, Laws of Florida, relating to personnel of school system; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Anderson—

SB 1200—A bill to be entitled An act relating to group insurance for public officers and employees; amending s. 112.0801, Florida Statutes, authorizing counties, municipalities, and

school boards, which provide group insurance plans for employees, to continue payment for such coverage with respect to retired employees under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs; Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Gordon—

SB 1201—A bill to be entitled An act relating to the certification of nuclear-fueled electrical power plants; creating s. 403.518, Florida Statutes; prohibiting the Department of Environmental Regulation from issuing any new site certification for any nuclear-fueled electrical power plant until certain requirements have been met; amending s. 366.03, Florida Statutes; requiring each public utility which has any nuclear-fueled generating unit to periodically mail to certain customers a summary of emergency evacuation plans; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Commerce.

By Senators Thomas, Stuart and MacKay—

SB 1202—A bill to be entitled An act relating to the Florida Research and Development Commission; amending s. 23.146, Florida Statutes, 1978 Supplement; providing definitions; amending s. 23.147, Florida Statutes, 1978 Supplement; assigning the Florida Research and Development Commission to the Board of Regents and deleting authority for members of commission to name designees; amending s. 23.149(1), Florida Statutes, 1978 Supplement; prescribing powers of Florida Research and Development Commission; creating s. 23.150, Florida Statutes; prescribing powers of research and development authorities; providing for existing research and development authorities to exercise such powers; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Commerce and Ways and Means.

By Senator McKnight—

SB 1203—A bill to be entitled An act relating to environmental permitting; creating ss. 161.0415, 253.1252, 373.107, 373.230, 373.310, 373.417, 403.0875, 403.7073, 403.8135, and 403.8535, Florida Statutes; requiring environmental permitting agencies to cite a specific rule when requesting information for certain permit applications; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Dunn—

SB 1204—A bill to be entitled An act relating to mobile home and recreational vehicle manufacturer's licensing and inspection; amending s. 320.01(24), Florida Statutes, 1978 Supplement, and adding s. 320.822(16), Florida Statutes, 1978 Supplement; providing definitions to transfer responsibility for such licensing and inspection to the Department of Community Affairs; amending s. 320.864, Florida Statutes; removing the director of the Division of Motor Vehicles from chairmanship of the related advisory council; amending s. 320.8255, Florida Statutes; authorizing delegation of the inspection function; providing for a schedule of fees; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Vogt—

SB 1205—A bill to be entitled An act relating to fraudulent and deceptive practices in the sale of business opportunities; creating part VII of chapter 559, Florida Statutes; providing definitions; providing for required disclosure statement; providing for a bond or other evidence of financial responsibility to be filed with the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing specified prohibited acts; providing for penalties; providing for contracts to be in writing; providing remedies for unfulfilled

business opportunity contracts; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Skinner—

SB 1206—A bill to be entitled An act relating to criminal law; decriminalizing certain worthless check violations; amending s. 34.01(1), Florida Statutes; granting jurisdiction of all non-criminal violation to County Courts, amending ss. 832.04(1), 832.041(1), and 832.05 (2) (b), Florida Statutes; providing that issuing worthless checks of less than \$100 is a non-criminal violation for the first three violations within any 1-year period; creating ss. 832.11-832.19, Florida Statutes, the Florida Uniform Disposition of Worthless Check Infractions Act; providing procedures for disposition of charges for violations of chapter 832, Florida Statutes, when such violation involves a worthless check of a value less than \$100; requiring a person so charged to pay a civil penalty or appear at a hearing and pay a civil penalty; providing amounts of such penalties; providing for a criminal penalty or contempt charges for failure to comply with civil penalties or failure to appear at said hearing; providing for appeals to the circuit court; providing notice requirements; authorizing holders of worthless checks, drafts, or orders to impose a service charge; providing that the fourth or fifth violation within a 1-year period is a second degree misdemeanor; providing that the sixth or subsequent violation within such period is a third degree felony; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Ways and Means.

By Senator MacKay—

SB 1207—A bill to be entitled An act relating to post-secondary education; creating the Postsecondary Education Study Committee; providing membership, terms, powers, and duties; requiring the committee to assist in the conduct of a study of postsecondary education and report thereon; providing an appropriation; repealing various provisions of Florida Statutes relating to regulation and governance of post-secondary education; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators MacKay and Skinner—

SB 1208—A bill to be entitled An act relating to the Stephen Foster Memorial; repealing ss. 265.13, 265.14, 265.15, 265.151, Florida Statutes; relating to the Stephen Foster Memorial and the Stephen Foster Memorial Board of Trustees; transferring the Stephen Foster Memorial property and buildings, and the personnel and equipment to maintain said property and buildings, to the Department of Natural Resources; transferring the Florida Folk Arts Program component of the Stephen Foster Memorial to the Department of State; creating s. 265.135, Florida Statutes; defining "Folk Life"; creating s. 265.145, Florida Statutes; creating the Florida Folk Life Council in the Department of State; providing for its membership and duties; creating s. 265.155, Florida Statutes; directing the Department of State to employ a Folk Life Director for the Florida Folk Arts Program component and establish his qualifications; authorizing employment of staff and providing duties; creating s. 265.165, Florida Statutes; creating the Florida Folk Life Trust Fund under the administration of the Department of State; amending s. 592.13, Florida Statutes; directing the Division of Recreation and Parks to give priority use of the Stephen Foster Memorial facility to the performing arts function of the Folk Life Program; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Governmental Operations and Ways and Means.

By Senator Poole—

SB 1209—A bill to be entitled An act relating to individual sewage disposal facilities; amending s. 381.272(6), Florida Statutes, 1978 Supplement; providing that it is the policy of the state to require the connection of all such facilities to sewerage systems under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Chamberlin—

SB 1210—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.11(1), Florida Statutes, 1978 Supplement; increasing the maximum amount of tax used by the Department of Revenue for the purpose of authorizing quarterly or semiannual returns and payment; amending s. 212.12(1), Florida Statutes, 1978 Supplement; providing a schedule for computing the dealer's credit for collecting the tax; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce; Ways and Means Subcommittee D and the Committee on Ways and Means.

By Senator Trask—

SB 1211—A bill to be entitled An act relating to the Florida Retirement System; redesignating s. 121.081(1)(i), Florida Statutes, and adding a new paragraph (i) to said subsection; authorizing members to receive past service credit for certain educational leave, provided specified conditions are met; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Johnston (by request)—

SB 1212—A bill to be entitled An act relating to retirement; adding s. 121.011(3)(f), Florida Statutes; providing for the preservation of rights of certain members of the Florida Retirement System who transferred from an existing system; amending s. 121.051(1)(a), (2)(a), Florida Statutes, 1978 Supplement; prohibiting participation of new officers or employees of the University Athletic Association, Inc., in a state-supported retirement system and confirming participation by current employees in the Florida Retirement System; amending s. 121.052(1)(b), (c), (3)(b), (4)(b), (8), Florida Statutes, 1978 Supplement; removing Public Service Commissioners from membership in the Elected State Officers' Class of the Florida Retirement System; providing an appropriation; amending s. 121.091(4)(c), Florida Statutes, 1978 Supplement; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Dunn—

SB 1213—A bill to be entitled An act relating to historic preservation boards; amending ss. 266.01, 266.02(1), 266.05, 266.101, 266.102(1), 266.105, 266.110, 266.112(2), 266.114, 266.201, 266.202(1), 266.205, 266.301, 266.303(3), 266.305, 266.401, 266.402(1), 266.405, 266.501, 266.502(1), 266.505, 266.506(18), Florida Statutes; removing the Historic St. Augustine, Pensacola, Tallahassee, Key West, Boca Raton, Tampa-Hillsborough County, Broward County, and Volusia County and Flagler County Preservation Boards of Trustees from the Department of State; creating the Historic St. Augustine, Pensacola, Tallahassee, Key West, Boca Raton, Tampa-Hillsborough County, Broward County, Volusia County, and Flagler County Preservation Special Districts; specifying the governing body of each district; creating s. 266.510, Florida Statutes; providing for a historic preservation grant program in the Department of State; repealing ss. 266.410 and 266.507, Florida Statutes, which provide that the boards are subject to the control of the Secretary of State; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Ways and Means.

By Senator Barron—

SR 1214—A Senate resolution providing relief for Jack Taylor, Jr.; providing authorization for an appropriation to compensate him for attorney's fees and costs arising out of his suspension from, and reinstatement to, office.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Tobiasen—

SB 1215—A bill to be entitled An act relating to regulation of the standardized testing industry; providing definitions; requiring test sponsors to file certain information concerning their tests with the Department of Education; providing for certain confidentiality and for public records; providing certain information to persons taking a test and test score recipients; providing that disclosure of test scores must be specifically authorized by the subject or his guardian; providing for Department of Education rules; providing for a civil penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Education, Commerce and Ways and Means.

By Senator Johnston—

SB 1216—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.022(1)(d), Florida Statutes; allowing a patient to delegate the responsibility of managing his financial affairs to the facility to the extent of his funds held in trust by the facility; requiring a quarterly accounting of financial transactions made on behalf of patients; amending s. 400.111(1), Florida Statutes; providing for issuance of conditional licenses; amending s. 400.121, Florida Statutes, 1978 Supplement; providing for maximum administrative fines per violation of s. 400.102, Florida Statutes; amending s. 400.162(5), Florida Statutes; requiring minimum bonding of \$25,000 for persons handling patient trust funds; amending s. 400.23(4), Florida Statutes, 1978 Supplement; removing the prohibition against imposing a civil penalty if cited deficiencies are corrected; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By Senator Johnston (by request)—

SB 1217—A bill to be entitled An act relating to transportation; creating a Coordinating Council on the Transportation Disadvantaged; providing powers and duties; requiring the Department of Transportation to provide for the planning and service development of transportation for the elderly, handicapped and other disadvantaged; providing for expenditures of state and federal funds for the transportation disadvantaged; providing for utilization of metropolitan planning organizations; providing for development of transportation improvement programs and designation of coordinated community transportation providers; providing effective and expiration dates.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Jenne—

SB 1218—A bill to be entitled An act relating to insurance; amending s. 627.410(1), Florida Statutes, 1978 Supplement; requiring any group certificate or policy covering a Florida resident which is issued by a company licensed by or doing business in the state to be filed with and approved by the Department of Insurance; requiring certain other group policies to be filed with the department; amending ss. 627.551, 627.651, Florida Statutes; providing circumstances under which a policy or certificate of group life or group disability insurance need not comply with certain provisions of the Insurance Code; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Grizzle—

SB 1219—A bill to be entitled An act relating to probation; creating s. 948.08, Florida Statutes, prohibiting the granting of probation, the withholding of adjudication of guilt, or the suspension, deferral, or withholding of sentence to persons convicted of specified offenses against certain victims; requiring admission or finding of facts supporting such prohibition; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; Judiciary-Criminal; and Ways and Means.

By Senator Neal—

SJR 1220—A joint resolution proposing the creation of Section 9 of Article II of the State Constitution, limiting, by October 1, 1981, and thereafter, the number of full-time salaried state employees to no more than 1 percent of the state population estimate.

—was read the first time by title and referred to the Committees on Ways and Means and Rules and Calendar.

By Senator Anderson—

SB 1221—A bill to be entitled An act relating to insurance; renumbering s. 626.051(2), Florida Statutes, and adding a new subsection (2) to said section; modifying definition of "life agent"; amending s. 626.784(2) Florida Statutes; prohibiting the granting of a life insurance agent's license upon certain conditions; renumbering s. 626.784(3), Florida Statutes, and adding a new subsection (3) to said section; providing guidelines for determining a violation of certain licensing requirements for life agents; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Neal—

SB 1222—A bill to be entitled An act relating to health claim forms; amending s. 627.6111(1), Florida Statutes, allowing for the use of attachments to the standard health claim form; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Barron—

SR 1223—A Senate resolution providing relief for James H. King, Tamphus Messer, and Jimmy Josey; providing authorization for an appropriation to compensate them for attorney's fees and transcript cost arising out of their suspension from, and reinstatement to, office.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Barron—

SB 1224—A bill to be entitled An act relating to the Florida Evidence Code; repealing chapters 76-237 and 78-361, Laws of Florida, as amended; continuing the effectiveness of prior law; providing a retroactive effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Hill—

SB 1225—A bill to be entitled An act relating to campaign financing; amending s. 105.031(3), Florida Statutes, 1978 Supplement, relating to qualifying fees; amending s. 105.08, Florida Statutes; providing for the receipt of public funds by certain judicial candidates; adding s. 106.011(3)(d), Florida Statutes; expanding the definition of contribution; amending s. 106.08(1), Florida Statutes, 1978 Supplement; providing limitations on campaign contributions; creating part II, chapter 106, Florida Statutes, the "Florida Judiciary Public Financing Campaign Act"; providing for public financing of nonpartisan elections of individuals seeking election to judicial office; providing definitions; creating the Florida Judicial Campaign Trust Fund; providing for the deposit of qualifying fees paid by candidates for judicial office in the fund; providing procedures for disbursement of funds to candidates; providing for deficiencies in the fund; providing requirements for candidate entitlement to public funds; providing the amount of funds to be disbursed to each candidate; providing for the return of unused funds; providing for the revocation or cancellation of certification to receive public funds; prohibiting improper use of public funds and expenditures in excess of established limitations; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator MacKay—

SB 1226—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(6)(d), Florida Statutes, 1978 Supplement, adding paragraph (f) to said subsection and amending subsection (8) of said section; authorizing a retired member to change his first designated joint annuitant after benefits have commenced under certain circumstances; authorizing the designation of more than one joint annuitant by certain members; requiring the Division of Retirement of the Department of Administration to adopt appropriate tables and calculations; authorizing the designation of beneficiaries by a member either sequentially or jointly; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee E and the Committee on Ways and Means.

By Senator Scarborough—

SB 1227—A bill to be entitled An act relating to racing; amending s. 550.37(13), Florida Statutes; prescribing requirements which a holder of a ratified permit to conduct harness racing must meet in order to apply to the Board of Business Regulation of the Department of Business Regulation for and receive a license to conduct dograce meetings in lieu of harness racing at such tracks; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Spicola—

SB 1228—A bill to be entitled An act relating to regional water supply authorities; adding s. 373.1962(8), Florida Statutes; directing each regional water supply authority created under such section to prepare plans to acquire any well field located in certain areas; requiring submission of such plans to members of the Legislature and to appropriate water management districts; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Vogt, Johnston, Skinner, Gorman, W. D. Childers and Dunn—

SB 1229—A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; amending s. 943.464(5), Florida Statutes; providing for the award of attorneys' fees and costs to the Department of Legal Affairs or a State Attorney; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Senator MacKay—

SB 1230—A bill to be entitled An act relating to education; creating s. 236.023, Florida Statutes; providing that the Department of Education, in cooperation with certain expert researchers shall conduct certain studies and develop and submit to the Legislature, a Cost of Education Index to be used in the Florida Education Finance Program; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Winn, Jenne and Scott—

SB 1231—A bill to be entitled An act relating to elections; amending s. 97.021(18), Florida Statutes, and adding subsection (21) to said section; exempting candidates for political party executive committees from the definition of "candidate" for purposes of the chapter on electors and elections; providing a definition of "public office"; amending s. 106.011(10), Florida Statutes; deleting federal, precinct, and political party offices or positions from the definition of "public office" for purposes of campaign financing; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Trask—

SB 1232—A bill to be entitled An act relating to public meetings; authorizing the presiding officer of a governmental body holding a public meeting to order the removal of any person interfering with the expeditious or orderly processes of the body under certain circumstances; requiring the appropriate law enforcement authority or sergeant-at-arms to remove such a person; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Peterson—

SB 1233—A bill to be entitled An act relating to education; repealing, effective October 1, 1981, various provisions of Florida Statutes relating to postsecondary education boards, commissions, councils, and committees; creating the Postsecondary Education Study Committee to assist the State Board of Education in a study of postsecondary education; providing membership, terms, powers, and duties of the committee; requiring the state board to submit a report and recommendations to the Legislature; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Maxwell—

SB 1234—A bill to be entitled An act relating to automobile inspection and warranty associations; adding s. 634.011(14), (15), Florida Statutes, 1978 Supplement; defining terms; amending s. 634.041, Florida Statutes, 1978 Supplement; requiring an association to secure certain insurance or maintain certain minimum net assets; requiring an association to maintain certain reserves; amending s. 634.052(1), Florida Statutes, 1978 Supplement; exempting domestic corporations and associations from certain deposit requirements; amending s. 634.061, Florida Statutes, 1978 Supplement; prescribing content of applications; authorizing certain investigations; prescribing grounds for denial of license; amending s. 634.081(5), Florida Statutes, 1978 Supplement, and adding subsection (6) to said section; providing circumstances for suspension or revocation of a license; amending s. 634.171, Florida Statutes, 1978 Supplement; authorizing licensed property and casualty solicitors or agents to sell warranty contracts under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Johnston (by request)—

SB 1235—A bill to be entitled An act relating to state officers and employees; amending s. 112.075(7)(a), (c), (8), Florida Statutes; authorizing state agencies to pay part of the cost of group insurance for dependents of state officers and full-time employees; deleting provision that participants in a state group plan shall pay full cost of coverage for their dependents; providing for state contribution towards costs of membership in a health maintenance organization for state officers, employees, and their dependents; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services; Ways and Means Subcommittee E; and the Committee on Ways and Means.

By Senator Jenne—

SB 1236—A bill to be entitled An act relating to the Department of Banking and Finance; creating s. 659.565, Florida Statutes; providing the department with certain investigatory powers; authorizing investigators to gather evidence; granting subpoena powers; providing contempt sanctions; providing for witness fees; providing for the confidentiality of records or materials; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Governmental Operations, Judiciary-Civil and Ways and Means.

By Senator Hill—

SB 1237—A bill to be entitled An act relating to the non-partisan election of state attorneys, public defenders, and sheriffs; amending s. 105.011, Florida Statutes; defining "court office" to mean the nonpartisan office of state attorney, public defender, and sheriff; prohibiting a candidate for court office from campaigning or qualifying for office based on party affiliation; amending s. 105.031, Florida Statutes, 1978 Supplement; prescribing the method of qualifying for court office; providing for an oath to be taken by a candidate for court office; amending s. 105.035, Florida Statutes; providing alternative methods of qualifying for certain court offices; amending s. 105.041, Florida Statutes; prescribing the manner in which a candidate's name for court office shall appear on the ballot; prohibiting the political party affiliation of a court office candidate from appearing on any ballot; amending s. 105.051(1)(a), Florida Statutes; providing that the name of any unopposed candidate for court office shall not appear on any ballot; amending s. 105.061, Florida Statutes; providing that each qualified elector within the territorial jurisdiction of the office of state attorney, public defender, or sheriff shall be eligible to vote for a candidate for such office; amending s. 105.071, Florida Statutes; limiting the political activity of a candidate for court office; providing a penalty for violating the limitation on political activity; amending s. 105.08, Florida Statutes; limiting the amount of campaign contributions a candidate for court office may accept; amending s. 105.09, Florida Statutes; limiting political activity in behalf of a candidate for court office; providing a penalty; amending s. 99.021(1)(a), Florida Statutes; exempting a candidate for court office from taking the oath required for nomination or election to public office; amending s. 99.061(1), Florida Statutes, 1978 Supplement; exempting a candidate for court office from certain methods of qualifying required of candidate for public office; amending s. 106.08(1), Florida Statutes, 1978 Supplement; limiting campaign contributions to a candidate for court office; exempting amounts contributed by a court office candidate to his own campaign from such limitation; providing for a first primary election and a general election for court office; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Vogt—

SB 1238—A bill to be entitled An act relating to franchises; creating ss. 501.171-501.176, Florida Statutes; providing definitions; prohibiting the unjust termination or failure to renew certain franchises; providing that certain provisions in franchises relating to termination or failure to renew are unenforceable; prohibiting a franchisor from unjustly refusing to deal with certain franchised distributors; providing civil remedies; providing for award of costs and attorney's fees; limiting damages; requiring certain notice before termination or non-renewal of certain franchises; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Barron, MacKay, McClain and Hair—

SB 1239—A bill to be entitled An act relating to liability insurers; amending s. 768.045, Florida Statutes; providing certain persons with a cause of action against liability insurers under certain circumstances; authorizing liability insurers to include nonjoinder provisions in liability insurance policies; amending s. 768.47(1), Florida Statutes; deleting reference to joinder of an insurer as a codefendant; repealing s. 46.051, Florida Statutes, 1978 Supplement, relating to joinder of products liability insurers; repealing s. 627.7262, Florida Statutes, relating to nonjoinder of motor vehicle liability insurers; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator McClain—

SB 1240—A bill to be entitled An act relating to developments of regional impact; adding s. 380.06(16), Florida Statutes; providing an exemption from the requirements of such section for certain projects; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Vogt—

SB 1241—A bill to be entitled An act relating to franchise practices; redesignating part III of chapter 501, Florida Statutes, 1978 Supplement, and adding a new part III to said chapter; providing definitions; providing exemptions; requiring good cause and notice for termination of a franchise by a franchisor; requiring notice and approval for transfer of a franchise; prohibiting certain acts by franchisors; providing defenses; authorizing certain actions against a franchisor; providing for award of costs and attorney's fees; prescribing liabilities of franchisor and franchisee; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Henderson—

SCR 1242—A concurrent resolution saluting and commending all secretaries in the State of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Fechtel—

SB 1243—A bill to be entitled An act relating to juveniles; amending s. 39.01(7), Florida Statutes, 1978 Supplement, lowering the age in the definition of "child" for purposes of provisions relating to juveniles; amending ss. 39.02(4), 39.04(2)(e), 39.11(1)(a) and (c) and (3), 39.11(4), 39.12(2), and 39.40(2), Florida Statutes, 1978 Supplement, to conform to the act; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Judiciary-Criminal.

The Senate recessed at 8:54 a.m.

The Senate was called to order by the President at 9:00 a.m.
A quorum present—38:

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Excused: Senators McKnight and Don Childers

Prayer by the Rev. Quentin Edwards, pastor of Cypress Cathedral, Winter Haven:

Father in heaven, we are so grateful today for your greatness in our lives. As we look back through history we discover that you have given us privileges such as the world has never known because we have been aware of your providence. We thank you today for these leaders of government. Their talent, their influence, their abilities. But Father, you don't need our talent and our influence and our abilities. You just simply want us because everything that we have comes from you and we need you to direct our paths. According to your word, righteousness exalteth a nation but sin is a reproach to any people. And you said that blessed is the nation whose God is the Lord. We humbly bow before you and I ask that you will bless these men and women in leadership, that all of us will become more and more aware of our need of you and our recognition of you that has made us what we are. That we can be your servants. Thank you for these secretaries, also, who play such a vital role and we humbly ask that you will continue to bless our nation and bless our great state and bless us individually as we seek to follow after you and to trust you for your guidance. For Christ's sake we pray. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 24, 1979:

CS for	SB 168	SB 682	CS for
SB 1	SB 423	SB 648	SB 293
CS for	CS for	SB 428	SB 331
SB 164	SB 598	SB 572	SB 330
CS for	CS for	SB 679	SB 435
SB 165	SB 599	SB 437	CS for
CS for	SB 112	SB 258	SB 47
SB 234	SB 167	SB 259	SB 179
SB 21	SB 181		SB 127

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary-Civil recommends the following pass: SB 656

The Committee on Governmental Operations recommends the following pass: SB 461 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Education recommends the following pass: SB 685 with 3 amendments

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 231 with 3 amendments

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 618 with 3 amendments SB 794 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 503 with 1 amendment, SB 739 with 1 amendment

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends the following pass: SB 336 with 1 amendment SB 364 with 5 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 554 with 1 amendment, SB 698

The Committee on Natural Resources and Conservation recommends the following pass:

SB 353 with 1 amendment SB 511 with 3 amendments

The Committee on Governmental Operations recommends the following pass:

SB 412 with 1 amendment SB 488 with 2 amendments
SB 416 with 1 amendment SB 660 with 2 amendments

The Committee on Transportation recommends the following pass: SB 716

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 592 with 16 amendments

The bill was referred to Ways and Means Subcommittee D under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 310 with 1 amendment, CS for HB 60

The bills were referred to Ways and Means Subcommittee E under the original reference.

The Committee on Judiciary-Civil recommends the following pass:

CS for SB 13 SB 551 SB 699 SB 762

The Committee on Governmental Operations recommends the following pass:

SB 413 with 2 amendments SB 490 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 709 with 1 amendment

The Committee on Transportation recommends the following pass: SB 662 with 3 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 240

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Education recommends Committee Substitutes for the following: SB 705, SB 102

The bills with Committee Substitutes attached were referred to the Committee on Governmental Operations under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 584

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 454

The bill was laid on the table.

The Committee on Education recommends that the Senate confirm the appointment made by the Governor of T. Terrell Sessums, Tampa, Member of the Board of Regents for term ending January 1, 1988.

The Committee on Health and Rehabilitative Services recommends that the Senate confirm the appointment made by the Governor of David H. Pingree, Secretary of Health and Rehabilitative Services to serve at the Pleasure of the Governor.

The appointments contained in the foregoing report were referred to the Committee on Executive Business under the original reference.

REPORT OF SUBCOMMITTEE TO STANDING COMMITTEE

Ways and Means Subcommittee D recommends favorably: SB 375, SB 376 and SB 278 with 1 amendment to the Committee on Ways and Means.

BILLS REFERRED TO SUBCOMMITTEE

SB 407 has been referred to the Senate Education Select Subcommittee on Competency-Based Teacher Education, a select subcommittee composed of Senator Maxwell, Chairman; Senators Chamberlin; Frank; Peterson and MacKay, which will report to the full committee within 30 days.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McClain, by two-thirds vote SB 804 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Thomas, the rules were waived and by two-thirds vote Senate Bills 185, 186 and 517 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Thomas, by two-thirds vote SB 571 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 685 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 171, 289, 372, 410, 439, 440, 475 and 716 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, by two-thirds vote HB 1142 was withdrawn from the Committee on Ways and Means and remained referred to the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to consider SB 685 on April 25.

On motion by Senator Hair, by two-thirds vote SB 626 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Fechtel, by two-thirds vote Senate Bills 1057 and 964 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 386 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Henderson, by two-thirds vote SCR 1242 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Henderson—

SCR 1242—A concurrent resolution saluting and commending all secretaries in the State of Florida.

—was taken up out of order by unanimous consent and by two-thirds vote read the second time in full, unanimously adopted and certified to the House.

REQUESTS FOR EXTENSION OF TIME

April 19, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

SB 581 by Senator Scott	SB 642 by Senator Poole
SB 340 by Senator Thomas	SB 663 by Senator Anderson
and others	SB 669 by Senator Winn
SB 624 by Senator MacKay	SB 693 by Senator Hair
SB 625 by Senator MacKay	SB 715 by Senator Barron
SB 626 by Senator Hair	and others
SB 640 by Senator Johnston	

April 20, 1979

The Committee on Education requests an extension of 15 days for consideration of the following:

SB 589 by Senator McKnight	SB 615 by Senator Maxwell
SB 591 by Senator Frank	SB 616 by Senator Maxwell
SB 596 by Senator Stuart	SB 142 by Senator Fechtel
SB 613 by Senator MacKay	

April 23, 1979

The Committee on Education requests an extension of 15 days for consideration of the following:

SB 627 by Senator Peterson	SB 692 by Senator Frank
SB 638 by Senator Myers	SB 703 by Senator MacKay
SB 681 by Senator Frank	SB 724 by Senator Maxwell
SB 688 by Senator Dunn	

April 23, 1979

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

CS for SB 139 and 202 by Transportation Committee and Senator Holloway	SB 708 by Senator Myers
SB 631 by Senator Myers	SB 718 by Senator Henderson
SB 632 by Senator Myers	SB 734 by Senator Williamson
SB 633 by Senator Myers	SB 733 by Senator Williamson
SB 634 by Senator Myers	SB 759 by Senator Gordon
SB 635 by Senator Myers	HB 382 by Community Affairs Committee
SB 636 by Senator Myers	HB 396 by Community Affairs Committee
SB 637 by Senator Myers	HB 402 by Community Affairs Committee
SB 641 by Senator Poole	SB 773 by Agriculture Committee
SB 643 by Senator Myers	SB 779 by Senator Steinberg
SB 647 by Senator Tobiassen	SB 798 by Senator MacKay
SB 657 by Senator Stuart	
SB 671 by Senator Holloway	
SB 706 by Senator Myers	
SB 707 by Senator Myers	

April 20, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

CS for SB 315 by Judiciary-Criminal Committee and Senator Spicola
CS for SB 465 by Senator Trask

April 24, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 736 by Senator Thomas	SB 749 by Senator Hill
SB 745 by Senator Hill	SB 754 by Senator Vogt

April 19, 1979

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 628 by Senator Grizzle	SB 709 by Senator Hill
SB 676 by Senator Vogt	SB 712 by Senator Vogt
SB 677 by Senator Vogt	SB 723 by Senator MacKay
SB 680 by Senator Gordon	

April 23, 1979

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 7 by Senator Holloway	SB 569 by Senator Steinberg
SB 380 by Senator Henderson	SB 529 by Senator Dunn
SB 464 by Senator Henderson	SB 761 by Senator Gordon
SB 466 by Senator Henderson	SB 769 by Senator Myers
SB 496 by Committee on Health and Rehabilitative Services	SB 771 by Senators McKnight, Gordon and Hill

April 23, 1979

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following:

SB 261 by Senator Steinberg	SB 717 by Senator Steinberg
SB 356 by Senator McKnight	SB 737 by Senator Henderson
SB 456 by Senator Dunn	SB 760 by Senator Gordon
SB 621 by Senator Scott	SB 763 by Senator Skinner
SB 695 by Senator Hair	SB 775 by Senator Hair
SB 702 by Senator Jenne	SB 776 by Senator Hair
SB 710 by Senator Vogt	SB 795 by Senator Hair
SJR 714 by Senator Hair	

April 23, 1979

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following:

SB 229 by Senator Trask

April 23, 1979

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 661 by Senator Vogt SB 711 by Senator Vogt
SB 666 by Senator Henderson SB 802 by Senator Vogt

April 19, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

HB 362 by Representative Nuckolls

April 20, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

HB 649 by Rules and Calendar Committee HB 654 by Rules and Calendar Committee

April 24, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 629 by Senator Henderson

April 20, 1979

The Committee on Transportation requests an extension of 15 days for consideration of the following:

SB 672 by Senator Gordon SB 687 by Senator Poole and others

April 24, 1979

The Committee on Transportation requests an extension of 15 days for consideration of the following:

SB 42 by Senator Steinberg SB 543 by Senator Holloway
SB 145 by Senator Chamberlin SB 550 by Senator Carlucci
SB 395 by Senator Gorman SB 577 by Senator McKnight
SB 430 by Senator D. Childers SB 603 by Senator Myers
SB 449 by Senator Vogt SB 614 by Senator Maxwell
SB 735 by Senator Frank
SB 753 by Senator Holloway

On motion by Senator Vogt, the rules were waived and SB 872 was ordered immediately certified to the House.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

By direction of the President, the following executive orders were read:

EXECUTIVE ORDER NUMBER 78-52

Executive Order of Suspension

WHEREAS, ROLLIN W. ZIMMERMAN is presently serving as Sheriff of Brevard County, and

WHEREAS, as a result of an official misconduct investigation by the Honorable Douglas L. Cheshire, Jr., State Attorney for the Eighteenth Judicial Circuit and the Honorable Stephen L. Boyles, State Attorney for the Seventh Judicial Circuit, numerous violations of the law have been discovered, to-wit:

1. That ROLLIN W. ZIMMERMAN, while a candidate for Sheriff of Brevard County, on or about September 3, 1976 will-

fully certified to the correctness of a campaign report which he knew to be incorrect, false and incomplete in that it did not reflect a salary paid to Mariette Hummel as his campaign manager and did reflect money which was listed under persons who had in fact not contributed, which acts constitute a violation of Section 106.07, Florida Statutes;

2. That ROLLIN W. ZIMMERMAN, while a candidate for Sheriff of Brevard County, on or about September 27, 1976 willfully certified to the correctness of a campaign report which he knew to be incorrect, false and incomplete in that it did not reflect a salary paid to Mariette Hummel as his campaign manager and did reflect a contribution under the name of Betty Baker who did not in fact make said contribution, which acts constitute a violation of Section 106.07, Florida Statutes;

3. That ROLLIN W. ZIMMERMAN, while a candidate for Sheriff of Brevard County, on or about October 4, 1976 willfully certified to the correctness of a campaign report which he knew to be incorrect, false and incomplete in that it did not reflect a salary paid to Mariette Hummel as his campaign manager;

4. That ROLLIN W. ZIMMERMAN, while a candidate for Sheriff of Brevard County, on or about October 18, 1976 willfully certified to the correctness of a campaign report which he knew to be incorrect, false and incomplete in that it did not reflect a salary paid to Mariette Hummel as his campaign manager;

5. That ROLLIN W. ZIMMERMAN, while a candidate for Sheriff of Brevard County, on or about November 1, 1976 willfully certified to the correctness of a campaign report which he knew to be incorrect, false and incomplete in that it did not reflect a salary paid to Mariette Hummel as his campaign manager and did reflect the names of a number of campaign contributors from October 22 when ROLLIN W. ZIMMERMAN and campaign treasurer Curtis Mayfield distributed proceeds of a loan to various people for deposit to the campaign;

6. That on or about August 3, 1978 the Honorable Stephen L. Boyles, State Attorney for the Seventh Judicial Circuit was assigned by Executive Order 78-42 to discharge the duties of Douglas L. Cheshire, Jr., State Attorney for the Eighteenth Judicial Circuit of Florida, as they related to the investigation, prosecution and representation of the State of Florida in all matters pertaining to the allegations of wrongdoing by ROLLIN W. ZIMMERMAN. On September 1, 1978, Honorable Stephen L. Boyles filed an Information in the Circuit Court in and for the Eighteenth Judicial Circuit charging ROLLIN W. ZIMMERMAN with five counts of violations of Section 106.07, Florida Statutes;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein all occurred during the period of candidacy in 1976 for the present term of office of ROLLIN W. ZIMMERMAN as "county officer" within the meaning of Section 7, Article IV, Florida Constitution (1968), to-wit: Sheriff of Brevard County.

B. That said ROLLIN W. ZIMMERMAN did commit the acts and violations of Florida law as alleged in this document and Information attached hereto and hereby incorporated in this Executive Order as allegations of facts, constituting grounds for suspension under Section 7, Article IV, Florida Constitution (1968).

C. That the facts alleged herein constitute the offenses of malfeasance, misfeasance, neglect of duty, commission of a felony or incompetence as such offences are used in Section 7, Article IV, Florida Constitution (1968).

D. That the interest of the residents of Brevard County, Florida, and the citizens of the State of Florida can best be served by the suspension of ROLLIN W. ZIMMERMAN, from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and Laws of Florida, the following Executive Order is hereby promulgated effective immediately.

Section 1.

That ROLLIN W. ZIMMERMAN is hereby suspended as and from the public office which he now holds, to-wit: Sheriff of Brevard County.

Section 2.

That ROLLIN W. ZIMMERMAN is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further Executive Order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 6th day of September, 1978.

Reubin O'D. Askew
Governor



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 14th day of November, 1978.

Reubin O'D. Askew
Governor

ATTEST:
Jesse F. McCrary, Jr.
Secretary of State

ATTEST:
Jesse F. McCrary, Jr.
Secretary of State

EXECUTIVE ORDER NUMBER 78-66

SUSPENSION

WHEREAS, THOMAS H. McCANN was commissioned as a Notary Public on June 24, 1977, and

WHEREAS, as a result of an investigation into the notarization of certain documents by the said THOMAS H. McCANN, it appears that the said THOMAS H. McCANN violated certain provisions of the notary public law, to wit: Florida Statute 117.09, in that the said THOMAS H. McCANN did erase the name of an affiant, did allow someone else's name to be filled in, and did leave the document intact to reflect that he actually notarized the signature, and

WHEREAS, Section 117.09, Florida Statutes, requires every notary public in the State to require reasonable proof of the identity of the person whose signature is being notarized and that such person must be in the presence of the notary public at the time the signature is notarized, and

WHEREAS, Section 117.09, Florida Statutes, further provides that any notary public in this State who shall falsely or fraudulently take any acknowledgement of any instrument as a notary public or who falsely or fraudulently makes any certificate as a notary public or who falsely takes or receives an acknowledgement of the signature on any written instrument shall be guilty of a felony of the third degree, and

WHEREAS, it appears that it is in the best interest of the citizens of the State of Florida that THOMAS H. McCANN be suspended from the public office which he now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege, pursuant to Section 112.41, Florida Statutes:

(A) That THOMAS H. McCANN was appointed as a Notary Public of the State of Florida on June 24, 1977.

(B) That THOMAS H. McCANN is and, at all times material hereto, was a "state officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to wit: Notary Public of the State of Florida.

(C) That THOMAS H. McCANN on or about March 31, 1978 notarized the signature of one Oscar Coren when he did not witness the signing of said document by Oscar Coren.

(D) That the aforesaid act constitutes malfeasance, misfeasance, and neglect of duty.

BEING FULLY ADVISED in the premises and in accordance with the Constitution and Laws of Florida, the following Executive Order is hereby promulgated, effective immediately:

(1) That THOMAS H. McCANN be and he is hereby suspended from the public office that he now holds, to wit: Notary Public of the State of Florida.

(2) That THOMAS H. McCANN is hereby prohibited from performing any official act, duty, or function of said office and

from receiving any compensation, emoluments, or privileges of public office during the period of this suspension, which period shall be from the effective date of this Order until further Executive Order as provided by law.

EXECUTIVE ORDER NUMBER 78-78

SUSPENSION

WHEREAS, LOUIS HOBERMAN is presently serving as Vice-Mayor and/or Member of the City Council, City of Surfside, Dade County, Florida, and

WHEREAS, pursuant to the Constitution and the laws of the State of Florida, an investigation has been made of charges against the said LOUIS HOBERMAN, and numerous violations of the laws have been discovered, to-wit:

1. That between the dates of December 3, 1978 and December 9, 1978, in Dade County, Florida, LOUIS HOBERMAN did unlawfully, feloniously, and corruptly request, solicit, accept or agree to accept for himself or another any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America from another to-wit: DAMODAR S. AIRAN, with an intent or purpose to influence the performance of any act or omission which the said LOUIS HOBERMAN did represent as being within his official discretion, in violation of a public duty or in the performance of a public duty, to-wit: favorable consideration, influence, votes, or acts of omission regarding past, pending, or future matters of official business concerning and between the City of Surfside and/or LOUIS HOBERMAN, acting in his official capacity as Vice-Mayor and/or Member of the City Council, City of Surfside and DAMODAR S. AIRAN and/or his corporation, AIRAN CONSULTANTS, INC., a further and more particular description thereof unknown, contrary to Section 838.015, Florida Statutes.

2. That between the dates of December 3, 1978 and December 9, 1978 in Dade County, Florida, LOUIS HOBERMAN did unlawfully, feloniously, and corruptly request, solicit, accept or agree to accept from DAMODAR S. AIRAN any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America, said pecuniary or other benefit not authorized by law either for the past, present, or future performance, nonperformance, or violation of any act or omission which DAMODAR S. AIRAN believes to have been or LOUIS HOBERMAN represents as having been either within the official discretion of LOUIS HOBERMAN in his capacity as Vice-Mayor and/or Member of the City Council, City of Surfside, Dade County, Florida, or in violation of, or in the performance of a public duty of the said LOUIS HOBERMAN, to-wit: favorable consideration, influence, votes or acts of omission regarding past, pending, or future matters of official business concerning and between the City of Surfside and/or LOUIS HOBERMAN, acting in his official capacity as Vice-Mayor and/or Member of the City Council, City of Surfside, and DAMODAR S. AIRAN and/or his corporation, AIRAN CONSULTANTS, INC., a further and more particular description thereof being unknown, contrary to Section 838.016(1), Florida Statutes.

3. That between December 3, 1978 and December 9, 1978 in Dade County, Florida, LOUIS HOBERMAN did unlawfully, feloniously, and corruptly request, solicit, accept or agree to accept from DAMODAR S. AIRAN any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America, said pecuniary or other benefit not authorized by law either for the past, present, or future exertion of any influence upon or with any public servant(s), to-wit: the Mayor and/or members of the City Council, City of Surfside, Dade County, Florida, regarding any act or omission which DAMODAR S. AIRAN believes to have been, or which was represented to DAMODAR S.

AIRAN by LOUIS HOBERMAN as having been either within the official discretion of the Mayor and/or members of the City Council, City of Surfside, Dade County, Florida, or in violation of a public duty, or in performance of a public duty relating to matters of official business concerning and between the City of Surfside and DAMODAR S. AIRAN and/or his corporation AIRAN CONSULTANTS, INC., or both, a further and more particular description thereof being unknown, contrary to Section 838.016(2), Florida Statutes.

4. That on December 13, 1978, the Grand Jury of the County of Dade and State of Florida returned an Indictment filed in the Circuit Court of the Eleventh Judicial Circuit charging LOUIS HOBERMAN with three counts of violations of the criminal laws of Florida. The indictment is attached and incorporated by reference herein.

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein all occurred during the present term of office of LOUIS HOBERMAN as an "elected municipal officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to-wit: Vice-Mayor and/or Member of the City Council, City of Surfside, Dade County, Florida.

B. That LOUIS HOBERMAN did commit the acts and violations of Florida law as alleged in this document and Indictment attached hereto and hereby incorporated in this Executive Order as allegations of facts, constituting grounds for suspension under Section 7, Article IV, Florida Constitution (1968).

C. There exists an indictment for crime as used in Section 7, Article IV, Florida Constitution (1968).

D. That the interest of the residents of the City of Surfside, Florida and the citizens of the State of Florida can best be served by the immediate suspension of LOUIS HOBERMAN from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated effective immediately.

1. LOUIS HOBERMAN is hereby suspended as and from the public office which he now holds, to-wit: Vice-Mayor and/or member of the City Council of Surfside, Dade County, Florida.

2. That LOUIS HOBERMAN is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further Executive Order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 22nd day of December 1978.

Reubin O'D. Askew
Governor

ATTEST:
Jesse F. McCrary, Jr.
Secretary of State

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR DADE COUNTY
FALL TERM, 1978

STATE OF FLORIDA	INDICTMENT
vs.	I. BRIBERY
LOUIS HOBERMAN	II. UNLAWFUL COMPENSATION
	OR REWARD FOR OFFICIAL
DEFENDANT	BEHAVIOR
	III. UNLAWFUL COMPENSATION
	OR REWARD FOR OFFICIAL
	BEHAVIOR

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that LOUIS HOBERMAN, a public servant, to-wit: Vice-Mayor and/or Member of the City Council, City of Surfside, Dade County, Florida, between the 3rd day of December, 1978, and the 9th day of December, 1978, within the County of Dade, State of Florida, did unlawfully, feloniously, and corruptly request, solicit, accept or agree to accept for himself or another any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America from another, to-wit: DAMODAR S. AIRAN, with an intent or purpose to influence the performance of any act or omission which the said LOUIS HOBERMAN did represent as being within his official discretion, in violation of a public duty or in the performance of a public duty, to-wit: favorable consideration, influence, votes, or acts of omission regarding past, pending, or future matters of official business concerning and between the City of Surfside and/or LOUIS HOBERMAN, acting in his official capacity as Vice-Mayor and/or Member of the City Council, City of Surfside and DAMODAR S. AIRAN and/or his corporation, AIRAN CONSULTANTS, INC., a further and more particular description thereof being to the Grand Jurors unknown, contrary to Section 838.015 Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

COUNT II

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that LOUIS HOBERMAN, a public servant, to-wit: Vice-Mayor and/or member of the City Council, City of Surfside, Dade County, Florida, between the 3rd day of December, 1978 and the 9th day of December, 1978, within the County of Dade, State of Florida, did unlawfully, feloniously, and corruptly request, solicit, accept, or agree to accept from DAMODAR S. AIRAN any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America, said pecuniary or other benefit not authorized by law either for the past, present, or future performance, nonperformance, or violation of any act or omission which DAMODAR S. AIRAN believes to have been or LOUIS HOBERMAN represents as having been either within the official discretion of LOUIS HOBERMAN in his capacity as Vice-Mayor and/or Member of the City Council, City of Surfside, Dade County, Florida, or in violation of, or in the performance of a public duty of the said LOUIS HOBERMAN, to-wit: favorable consideration, influence, votes, or acts of omission regarding past, pending, or future matters of official business concerning and between the City of Surfside and/or LOUIS HOBERMAN, acting in his official capacity as Vice-Mayor and/or member of the City Council, City of Surfside and DAMODAR S. AIRAN and/or his corporation, AIRAN CONSULTANTS, INC., a further and more particular description thereof being to the Grand Jurors unknown, contrary to section 838.016(1) Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

COUNT III

The Grand Jurors of the State of Florida, duly called, impaneled and sworn to inquire and true presentment make in and for the body of the County of Dade, upon their oaths, present that LOUIS HOBERMAN, a public servant, to-wit: Vice-Mayor and/or member of the City Council, City of Surfside, Dade County, Florida, between the 3rd day of December, 1978, and the 9th day of December, 1978, within the County of Dade, State of Florida, did unlawfully, feloniously, and corruptly request, solicit, accept, or agree to accept from DAMODAR S. AIRAN any pecuniary or other benefit, to-wit: Two Thousand Dollars (\$2,000.00), good and lawful monies of the United States of America, said pecuniary or other benefit not authorized by law either for the past, present, or future exertion of any influence upon or with any other public servant(s), to-wit: the Mayor and/or members of the City Council, City of Surfside, Dade County, Florida, regarding any act or omission which DAMODAR S. AIRAN believes to have been, or which was represented to DAMODAR S. AIRAN by LOUIS HOBERMAN as having been either within the official discretion of the Mayor and/or members of the City Council, City of Surfside, Dade County, Florida, or in violation of a public duty, or in

performance of a public duty relating to matters of official business concerning and between the City of Surfside and DAMODAR S. AIRAN and/or his corporation AIRAN CONSULTANTS, INC., or both, a further and more particular description thereof being to the Grand Jurors unknown, contrary to section 838.-016(2) Florida Statutes, to the evil example of all others in like cases offending and against the peace and dignity of the State of Florida.

J. Richard Soulliere
Foreman of the Grand Jury

EXECUTIVE ORDER NUMBER 79-2

SUSPENSION

WHEREAS, JAMES FRED RHODES, JR. is presently serving as Vice-Mayor and/or member of the City Council, City of Homestead, Dade County, Florida, and

WHEREAS, on January 10, 1979 an indictment was returned by the Grand Jury of the United States District Court for the Southern District of Georgia, Savannah Division, charging the said JAMES FRED RHODES, JR. with the crimes of (1) conspiracy to import, violation of 21 U.S.C. §963; (2) conspiracy to possess, violation of 21 U.S.C. §846; (3) possession with intent to distribute, violation of 21 U.S.C. §841(a)(1); (4) importation, violation of 21 U.S.C. §952(a); and (5) aiding and abetting, violation of 18 U.S.C. §2, and

WHEREAS, it has been determined that it is in the best interest of the State of Florida that JAMES FRED RHODES, JR. be immediately suspended from the public office which he now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE, I, BOB GRAHAM, as Governor, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege as follows:

A. On January 10, 1979, the Grand Jury of the United States District Court for the Southern District of Georgia, Savannah Division, returned an indictment which is filed in that court, a copy of which is attached and incorporated by reference herein, charging JAMES FRED RHODES, JR. with violations of the criminal laws of the United States as previously enumerated.

B. This is an "indictment for crime" as used in Article IV, Section 7, Florida Constitution (1968).

C. The indictment was returned, and the violations alleged therein occurred, during the present term of office of JAMES FRED RHODES, JR. as an "elected municipal officer" within the meaning of Article IV, Section 7, Florida Constitution (1968), to-wit: vice-mayor and/or member of the City Council, City of Homestead, Dade County, Florida.

D. The interest of the residents of the City of Homestead, Florida, and the citizens of the State of Florida can best be served by the immediate suspension of JAMES FRED RHODES, JR. from the public office which he now holds.

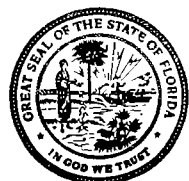
BEING FULLY ADVISED IN THE PREMISES, and in accordance with the Constitution and Laws of the State of Florida, the following Executive Order is hereby promulgated effective immediately:

1. JAMES FRED RHODES, JR. is hereby suspended from the public office which he now holds, to-wit: Vice-Mayor and/or member of the City Council of Homestead, Dade County, Florida.

2. That JAMES FRED RHODES, JR. is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being titled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further Executive Order, or as otherwise provided by law.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 23rd day of January, 1979.

Bob Graham, Governor



ATTEST:
George Firestone, Secretary of State

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)	INDICTMENT NO. 279-3
v.	)	VIO: 21 U.S.C. §963
JAMES FRED RHODES, JR.,	)	Conspiracy to Import
aka Allan Duncor	)	21 U.S.C. §846
)	)	Conspiracy to Possess
)	)	21 U.S.C. §841(a)(1)
)	)	Possn. with intent
)	)	to Dist.
)	)	21 U.S.C. §952(a)
)	)	Importation
)	)	18 U.S.C. §2
)	)	Aiding and Abetting

THE GRAND JURY CHARGES:

Beginning on or about the 23rd day of June, 1978 and continuing thereafter up to and including the 29th day of July, 1978, and prior and subsequent thereto, the exact date to the Grand Jury unknown, in Glynn County within the Southern District of Georgia, and elsewhere, the defendant herein:

JAMES FRED RHODES, JR.,
aka Allan Duncor

whose other and further names are to the Grand Jury unknown, did unlawfully, wilfully, and knowingly combine, conspire, confederate, and agree with other persons, some of whose names are known and some of whose names are unknown to the Grand Jury, to commit certain offenses against the United States of America, to wit:

To knowingly and intentionally import into the United States of America approximately 41,459 pounds of marihuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 952(a).

In furtherance of the aforesaid conspiracy and during its life and to effect the objectives and purposes thereof, the defendant and co-conspirators did commit and caused to be committed in the Southern District of Georgia, and elsewhere, among other acts, the following overt acts:

OVERT ACTS

1. On or about June 23, 1978, prior to the sale of the shrimpboat MISTER SIDNEY, a man representing himself as Allan Duncor rented Post Office Box 269 in Freeport, Bahamas, giving a fictitious address in the city of Freeport.

2. On or about June 25, 1978 co-conspirator Michael Thomas Smith, aka Thomas M. Smith traveled to Westpoint Plantation, St. Simons Island, Glynn County, Georgia.

3. On or about June 29, 1978, in Golden Meadow, LA., defendant James Fred Rhodes, Jr., using the alias Allan Duncor, purchased the shrimpboat MISTER SIDNEY for \$95,000 from Mr. Orand Terrebonne.

4. On or about June 29, 1978 defendant James Fred Rhodes, Jr., using the alias Allan Duncor purchased a 16 foot Boston Whaler in Louisiana.

5. On or about July 1, 1978 co-conspirator Michael Thomas Smith, aka Thomas M. Smith rented the Westpoint Plantation, Rt. 4 Box 288D, Westpoint Plantation Road, St. Simons Island, Glynn County, Georgia.

6. The shrimpboat MISTER SIDNEY was observed tied up at a marina near the coastal town of West End on Grand Bahamas Island between the 20th and 26th of July, 1978.

7. On or about July 26, 1978 co-conspirators Joseph Henry Cusanelli, aka William Joseph, George Gary Holder, Frederick John Fazio, Robert Barnes, John R. Barnes and William Anthony McConaghy, aka Robert Thomas Kraft were observed meeting at the Holiday Inn in Glynn County, Georgia.

8. On or about July 28, 1978 co-conspirators George Gary Holder and Frederick John Fazio were observed proceeding to the Westpoint Plantation, Rt. 4 Box 288D, Westpoint Plantation Road, St. Simons Island, Glynn County, Georgia driving a tractor-trailer.

9. On or about July 28, 1978 co-conspirator John R. Barnes did proceed via the 19 foot Aquasport to a position in the Frederica River and Robert Barnes proceeded to a point at the

South end of the Frederica River during the unloading of the marihuana from the M/V MR. SIDNEY.

10. On or about July 28, 1978, co-conspirator William Arthur Hiscock, Scott Paul Butler and Garrison Barnes did arrive onboard the M/V MR. SIDNEY at the Westpoint Plantation, said vessel containing approximately 41,459 pounds of marihuana.

11. On or about July 29, 1978, co-conspirators Michael Thomas Smith, aka Thomas M. Smith, Garrison Barnes, Thomas Richard Wingate, Scott Paul Butler, William Arthur Hiscock, George Gary Holder, Robert Tyler Milne, William Anthony McConaghy, aka Robert Thomas Kraft, Hugh Thomas McConaghy, Joseph Henry Cusanelli aka William Joseph, and Frederick John Fazio were observed off-loading bales of marihuana from the M/V MR. SIDNEY at Westpoint Plantation, St. Simons Island, Glynn County, Georgia onto the aforementioned tractor-trailer and into the Westpoint Plantation residence as well as stacking bales of marihuana on the ground.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

Beginning on or about the 23rd day of June, 1978 and continuing thereafter up to and including the 29th day of July, 1978, and prior and subsequent thereto, the exact date to the Grand Jury unknown, in Glynn County within the Southern District of Georgia, and elsewhere, the defendant herein:

**JAMES FRED RHODES, JR. aka
Allan Duncor**

whose other and further names are to the grand jury unknown, did unlawfully, wilfully, and knowingly combine, conspire, confederate, and agree with other persons, some of whose names are known and some of whose names are unknown to the Grand Jury, to commit certain offenses against the United States of America, to wit:

To knowingly and intentionally possess with intent to distribute approximately 41,459 pounds of marihuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In furtherance of the aforesaid conspiracy, during its life and to effect the objectives and purposes thereof, the defendant and co-conspirators did commit and cause to be committed in the Southern District of Georgia, and elsewhere, among other acts, all of the overt acts in Count One which are made a part of this Count by reference thereto.

All in violation of Title 21, United States Code, Section 846.

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

On or about the 29th day of July, 1978 in Glynn County within the Southern District of Georgia, the defendant herein:

**JAMES FRED RHODES, JR.,
aka Allan Duncor**

unlawfully, wilfully, and knowingly, aided and abetted by other persons, did possess with intent to distribute approximately 41,459 pounds of marihuana, a Schedule I controlled substance; done in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

On or about the 29th day of July, 1978 in Glynn County within the Southern District of Georgia, the defendant herein:

**JAMES FRED RHODES, JR.,
aka Allan Duncor**

unlawfully, wilfully, and knowingly, aided and abetted by other persons did import and caused to be imported approximately 41,459 pounds of marihuana, a Schedule I controlled substance into the United States from outside the territorial waters of the United States; done in violation of Title 21, United States

Code, Section 952(a) and Title 18, United States Code, Section 2.

A True Bill.

*Ben T. Slade, Jr.
Foreman*

*William T. Moore, Jr.
UNITED STATES ATTORNEY*

*William H. McAbee II
Assistant United States Attorney*

EXECUTIVE ORDER NUMBER 78-76

Executive Order of Suspension

WHEREAS, CHARLES DEESE, JR. is presently serving as a member of the Board of County Commissioners of Escambia County, and

WHEREAS, it has been alleged by citizens of Escambia County that the said CHARLES DEESE, JR. has violated the duties and public trust of his public office, and

WHEREAS, pursuant to the Constitution and laws of the State of Florida, an investigation has been made of the charges against the said CHARLES DEESE, JR. and numerous violations of the laws have been discovered, to-wit:

1. That between the dates of June 14, 1977 and October 1978, in Escambia County, Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to wit: 1963 Volkswagen bearing VID #5216211 and registered as VID #7343152 with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to the use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

2. That between the dates of June 14, 1977 and October 1978, in Escambia County, Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: component part, to-wit: automobile engine of 1963 Volkswagen, bearing VID #5216211 and registered as VID #7343152, of a value of more than one hundred dollars and less than twenty thousand dollars, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to the use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

3. That on or about August 30, 1978, in Escambia County, Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: one 1974 Yamaha motorcycle, VID #364025431, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

4. That between January 1978 and October 1978, in Escambia County, Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to use certain property, to-wit: two bicycles, a more particular description of which is unknown, of a value of less than one hundred dollars, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

5. That on November 20, 1978, the Escambia County Grand Jury, Fall Term 1978, returned an indictment filed in the Circuit Court of the First Judicial Circuit, charging CHARLES DEESE, JR. with four counts of violations of Section 812.014,

Florida Statutes. That indictment is attached and incorporated by reference herein.

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor, pursuant to the Constitution and Laws of Florida, do hereby find, determine, and allege as follows:

A. That the acts and violations alleged herein all occurred during the present term of office of CHARLES DEESE, JR. as "county officer" within the meaning of Section 7, Article IV, Florida Constitution (1968), to-wit: Escambia County Commissioner.

B. That said CHARLES DEESE, JR. did commit the acts and violations of Florida law as alleged in this document and Indictment attached hereto and hereby incorporated in this Executive Order as allegations of facts, constituting grounds for suspension under Section 7, Article IV, Florida Constitution (1968).

C. That the facts alleged herein constitute the offenses of malfeasance, misfeasance, neglect of duty, commission of a felony or incompetence as such offenses are used in Section 7, Article IV, Florida Constitution (1968).

D. That the interest of the residents of Escambia County, Florida, and the citizens of the State of Florida can best be served by the suspension of CHARLES DEESE, JR., from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and Laws of Florida, the following Executive Order is hereby promulgated effective immediately.

Section 1.

That CHARLES DEESE, JR. is hereby suspended as and from the public office which he now holds, to-wit: Member of the Board of County Commissioners of Escambia County, Florida.

Section 2.

That CHARLES DEESE, JR. is hereby prohibited from performing any official act, duty or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until further Executive Order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 13th day of December 1978.

Reubin O'D. Askew
Governor

ATTEST

Jesse F. McCrary, Jr.
Secretary of State

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA

In the Circuit Court of the First Judicial Circuit
of the State of Florida,
in and for Escambia County.

At the Fall Term hereof, in the Year of Our Lord,
One Thousand, Nine Hundred and Seventy-Eight

The Grand Jurors of the State of Florida, lawfully selected, impaneled and sworn, inquiring in and for the body of the County of Escambia upon their oaths as Grand Jurors, do present that between the fourteenth day of June in the Year of Our Lord, One Thousand Nine Hundred Seventy-Seven and the month of October in the Year of Our Lord, One Thousand Nine Hundred and Seventy-Eight at and in the County of Escambia, State of Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: 1963 Volkswagen bearing VID #5216211 and registered as VID #7343152 with the intent to deprive or defraud the owner or person lawfully entitled to the

superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to the use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

COUNT TWO: In the Circuit Court of the First Judicial Circuit of the State of Florida, in and for Escambia County. At the Fall Term hereof, in the Year of Our Lord One Thousand, Nine Hundred and Seventy Eight the Grand Jurors of the State of Florida, lawfully selected, impaneled and sworn, inquiring in and for the body of the County of Escambia, upon their oaths as Grand Jurors, do present that between the fourteenth day of June in the Year of Our Lord, One Thousand Nine Hundred Seventy-Seven and the month of October in the Year of Our Lord, One Thousand Nine Hundred and Seventy Eight at and in the County of Escambia, State of Florida, CHARLES DEESE, JR., did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: component part, to-wit: automobile engine of 1963 Volkswagen, bearing VID #5216211 and registered as VID #7343152, of a value of more than one hundred dollars and less than twenty thousand dollars, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to the use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

COUNT THREE: In the Circuit Court of the First Judicial Circuit of the State of Florida, in and for Escambia County. At the FALL Term hereof, in the Year of Our Lord One Thousand, Nine Hundred and Seventy Eight the Grand Jurors of the State of Florida, lawfully selected, impaneled and sworn, inquiring in and for the body of the County of Escambia, upon their oaths as Grand Jurors, do present that on or about the 30th day of August in the Year of Our Lord One Thousand Nine Hundred and Seventy-Eight, at and in the County of Escambia, State of Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: one 1974 Yamaha motorcycle VIN #364025431, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

COUNT FOUR: In the Circuit Court of the First Judicial Circuit of the State of Florida, in and for Escambia County. At the Fall Term hereof, in the Year of Our Lord One Thousand, Nine Hundred and Seventy Eight the Grand Jurors of the State of Florida, lawfully selected, impaneled and sworn, inquiring in and for the body of the County of Escambia, upon their oaths as Grand Jurors, do present that between January and October in the Year of Our Lord, One Thousand Nine Hundred and Seventy Eight, at and in the County of Escambia, State of Florida, CHARLES DEESE, JR. did then and there unlawfully or wrongfully obtain or use or endeavor to obtain or to use certain property, to-wit: two bicycles, a more particular description of which is unknown to your Grand Jurors, a value of less than \$100.00, with the intent to deprive or defraud the owner or person lawfully entitled to the superior possession thereof, to-wit: the Escambia County Sheriff's Department, Escambia County, Florida, of the lawful right or possession of the property or the use and benefit thereof, or to appropriate said property to his own use or to use of some other person not entitled thereto, contrary to Section 812.014, Florida Statutes.

Contrary to the Statutes in such cases made and provided and against the peace and dignity of the State of Florida.

Hugh Middlebrooks
Foreman

Curtis A. Golden
State Attorney for The
First Judicial Circuit
of the State of Florida.

The undersigned Assistant State Attorney has advised the Grand Jury returning this indictment as authorized and required by law.

Curtis A. Golden

—which were referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives again refused to recede from House Amendments 1 and 2 to CS for SB 188 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Sadowski, Mills, Bell, Gallagher and C. F. Jones as the Conferees on the part of the House.

Allen Morris, Clerk

The President announced the appointment of Senators MacKay, Barron, McClain, Thomas and Ware as conferees on CS for SB 188. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a Conference Committee on HB 35. The Speaker has appointed Representatives Crawford, Lehman, Haben, Tygart and Fontana as the Conferees on the part of the House.

Allen Morris, Clerk

The President announced the appointment of Senators Spicola, Dunn, Barron, Myers and Henderson as conferees on HB 35. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Governmental Operations—

CS for SB 727—A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes; deleting certain powers of examining and licensing boards; amending s. 20.30, Florida Statutes, 1978 Supplement; creating the Department of Professional Regulation; creating the Bureau of Investigation and Inspection and the Bureau of Fiscal Affairs of the Division of General Services of the department; abolishing the Bureau of Legal Services of such division and creating the Division of Legal Affairs of the department; abolishing the Division of Occupations of the department; providing for directors of the divisions of the department; providing for lay persons to serve as members on boards within the department; amending s. 215.22(4), Florida Statutes; designating trust fund; amending s. 215.37, Florida Statutes, 1978 Supplement; deleting a definition; providing for the deposit of certain revenues in a Professional Regulation Trust Fund; providing for finances and budgeting of the department; requiring each examining and licensing board to pay a percentage of its revenues into the General Revenue Fund; deleting legislative intent; amending s. 455.001(3), Florida Statutes; limiting the authority of boards; creating ss. 455.0111-455.0116, Florida Statutes; prescribing composition, powers, and duties of boards; authorizing boards to adopt rules; providing for personnel; authorizing boards to establish fees; providing for disposition of fees; prescribing requirements for examinations; providing for licensure; prescribing disciplinary procedures; amending s. 455.012, Florida Statutes; prohibiting disqualification based solely on citizenship; providing for continuity of pending actions; transferring personnel, records, property, and funds from boards in the Department of Professional and Occupational Regulation to the Department of Professional Regulation; providing that this act does not supersede repeal under Regulatory Reform Act; providing method and time for reorganization; continuing rules; providing for transfer of board locations; repealing ss. 455.007, 455.011, 455.014, 455.09, Florida Statutes, which sections provide functions of bureaus within department, confidentiality of examination information, legislative findings and intent regarding

foreign-speaking Florida residents, and staggered biennial renewal of licenses; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 30, strike everything after the enacting clause and insert the following:

Section 1. Subsection (2) of section 20.06, Florida Statutes, is amended to read:

20.06 Method of reorganization.—The executive branch of state government shall be reorganized by transferring the specified agencies, programs, and functions to the departments, commissions or offices created or referred to herein. Types of transfers used herein are defined as follows:

(2) TYPE TWO TRANSFER.—A type two transfer is the assigning to any department of an examining and licensing board which has as a function the setting of standards for, or the regulation of, a ~~profession or occupation~~ or the examination, licensing or certifying of practitioners of such ~~profession occupation~~. For any agency assigned a type two transfer, the collection of license fees and other revenues, payroll, procurement, and related administrative functions shall be exercised by the head of the department to which the board is assigned. Any agency assigned by a type two transfer shall independently exercise the other powers, duties, and functions prescribed by law, including but not limited to rule making, licensing, regulation, and enforcement. Appeals from decisions of examining and licensing boards shall be made directly to the judiciary as provided by law. Each examining and licensing board may provide for its own investigative and legal services. Each examining and licensing board has the authority and responsibility for the preparation of its examinations unless otherwise provided by law. Each examining and licensing board given a type two transfer shall continue to have supervision and control of such funds collected in trust in connection with its licensing, certifying, and related activities as shall be appropriated to it. The present membership of each examining and licensing board is continued, and future appointments shall be made as provided by the specific statutory provisions relating to each board.

Section 2. Section 20.30, Florida Statutes, 1978 Supplement, is amended to read:

20.30 Department of Professional and Occupational Regulation.—There is created a Department of Professional and Occupational Regulation.

(1) The head of the Department of Professional and Occupational Regulation is the Secretary of Professional and Occupational Regulation. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions, and bureaus within these divisions, of the Department of Professional and Occupational Regulation are established:

(a) Division of General Services;

1. Bureau of Records Administration;

2. Bureau of Examinations;

3. Bureau of Investigative Services; and

4. Bureau of Legal Services.

(b) Division of Professions; and

(c) Division of Legal Services Occupations.

(3) There shall ~~not~~ be a director of the Division of Professions, a director of the Division of General Services, and a director of the Division of Legal Services. Each division director shall directly administer his division and shall be responsible to the secretary of the department. ~~or of the Division of Occupations. These two divisions shall be administered directly by the Secretary of Professional and Occupational Regulation.~~

(4) The following examining and licensing boards are established within assigned by type two transfers to the Department of Professional and Occupational Regulation, Division of Professions:

- (a) State Board of Accountancy, created under chapter 473;
 - (b) State Board of Architecture, created under chapter 467;
 - (c) Board of Chiropractic Examiners, created under chapter 460;
 - (d) State Board of Dentistry, created under chapter 466;
 - (e) State Board of Professional Engineers and Land Surveyors, created under chapter 471;
 - (f) Board of Registration for Foresters, created under chapter 492;
 - (g) Board of Funeral Directors and Embalmers, created under chapter 470;
 - (h) Board of Landscape Architects, created under chapter 481;
 - (i) State Board of Medical Examiners, created under chapter 458;
 - (j) Florida State Board of Nursing, created under chapter 464;
 - (k) State Board of Optometry, created under chapter 463;
 - (l) Board of Osteopathic Medical Examiners, created under chapter 459;
 - (m) Board of Pharmacy, created under chapter 465;
 - (n) State Board of Podiatry Examiners, created under chapter 461;
 - (o) Board of Examiners of Psychology, created under chapter 490;
 - (p) Board of Veterinary Medicine, created under chapter 474; and
 - (q) State Board of Pilot Commissioners, created under chapter 310.
- ~~(5) The following examining and licensing boards are assigned by type two transfers to the Department of Professional and Occupational Regulation, Division of Occupations:~~
- ~~(r)(a)~~ Barbers' Sanitary Commission, created under chapter 476;
 - ~~(s)(b)~~ Construction Industry Licensing Board, created under part II of chapter 468;
 - ~~(t)(c)~~ State Board of Cosmetology, created under chapter 477;
 - ~~(u)(d)~~ Florida Board of Massage, created under chapter 480;
 - ~~(v)(e)~~ Board of Naturopathic Examiners, created under chapter 462;
 - ~~(w)(f)~~ Board of Dispensing Opticians, created under chapter 484;
 - ~~(x)(g)~~ Florida Real Estate Commission, created under chapter 475;
 - ~~(y)~~ Florida State Board of Examiners of Nursing Home Administrators; and
 - ~~(z)~~ Florida Electrical Contractors' Licensing Board.
- ~~(h)~~ Sanitarians' Registration Board, created under chapter 401; and
 - ~~(i)~~ Florida Watchmakers' Commission, created under chapter 480.

~~(5)(6) Each examining and licensing board shall have at least two lay members one additional member who is a lay member and who are is not and have has never been members a member or practitioners practitioner of the profession or occupation regulated by such board or of any closely related profession or occupation. The Governor shall appoint such lay members a lay member. This member shall be in addition to the current number of members on the board.~~

Section 3. Paragraph (a) of subsection (1) of section 120.57, Florida Statutes, 1978 Supplement, is amended, and subsection (5) is added to said section to read:

120.57 Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings in which substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.—

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

1. Hearings before agency heads or a member thereof ~~other than an agency head or a member of an agency head within the Department of Professional and Occupational Regulation;~~

2. Hearings before the Board of Review in unemployment compensation appeals, unemployment compensation appeals referees, special duties pursuant to s. 443.15, and the Public Service Commission or its examiners;

3. Hearings regarding drivers' licensing pursuant to chapter 322;

4. Hearings conducted within the Department of Health and Rehabilitative Services in the execution of those social and economic programs administered by the former Division of Family Services of said department prior to the reorganization effected by chapter 75-48, Laws of Florida;

5. Hearings in which the division is a party, in which case an attorney assigned by the Administration Commission shall be the hearing officer;

6. Hearings which involve student disciplinary suspensions or expulsions and which are conducted by educational units; and

7. Hearings of the Public Employees Relations Commission in which a determination is made of the appropriateness of the bargaining unit, as provided in s. 447.307.

8. Hearings held by the Department of Agriculture and Consumer Services pursuant to chapter 601.

~~(5) No board within the Department of Professional Regulation shall conduct any hearing pursuant to this section, whether formal or informal.~~

Section 4. Section 215.37, Florida Statutes, 1978 Supplement, is amended to read:

215.37 Department of Professional Regulation Examining and licensing boards to be financed from fees collected; moneys deposited in trust fund funds; 10 percent to General Revenue Fund; appropriation.—

~~(1) For the purposes of this section, examining and licensing boards shall include: State Board of Accountancy, Florida State Board of Architecture, Florida State Board of Chiropractic Examiners, Florida State Board of Dentistry, State Board of Dispensing Opticians, Florida State Board of Professional Engineers and Land Surveyors, State Board of Registration for Foresters, State Board of Funeral Directors and Embalmers, Florida State Board of Examiners of Landscape Architecture, State Board of Medical Examiners, State Board of Naturopathic Examiners, Florida State Board of Nursing, Florida State Board of Optometry, State Board of Osteopathic Medical Examiners, Florida Board of Pharmacy, Board of Podiatry Examiners, Florida State Board of Examiners of Psychology, Florida Real Estate Commission, Sanitarians' Registration Board, Florida State Board of Veterinary Medicine, Florida Watchmakers' Commission, and Florida Construction Industry Licensing Board.~~

~~(1)(2) Except as otherwise provided, All fees, licenses, and other charges assessed by the Department of Professional Regulation shall be collected by the Bureau of Records Administration of the Division of General Services of the Department of Professional and Occupational Regulation and shall be deposited in the State Treasury into the Professional Regulatory Trust Fund a separate trust fund to the credit of the department individual board.~~

(2)(3) ~~The department~~ Each board shall be financed ~~solely and individually~~ from income accruing to it from fees, licenses, and other charges collected by the bureau, and all such moneys are hereby appropriated to the department ~~each such board~~. All salaries and expenses of the department and of each board shall be paid as budgeted after the budget has said budgets have been approved by the secretary of the Department of Administration or within the limitations of any appropriation for that purpose which may be included in the General Appropriations Act.

(3)(4) ~~The department~~ Each board shall be charged 4 10 percent of all revenue collections (excluding refunds, grants, donations, etc.) made and credited to its account. The amount so charged shall be deposited in the General Revenue Fund unallocated.

(4)(5) ~~The department~~ Each board shall submit a biennial ~~an annual~~ legislative budget and operating budgets as required of all governmental subdivisions in chapters 215 and 216, to be based upon anticipated revenues together with any unexpended balance of moneys which may accrue to the credit of the particular board. Such budgets shall be subject to appropriate legislative action.

(5) ~~The department~~ shall maintain separate revenue accounts in the Professional Regulatory Trust Fund for every profession within the department. The department shall, to the extent practicable, provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department shall provide each board an annual report of revenue and allocated expenses related to the regulation of that profession, and these reports shall be used by the department to determine the amount of licensing fees for each profession regulated by the department.

(6) Each board shall operate financially within the budget approved by the Secretary of the Department of Administration, and all disbursements shall be made by the Comptroller only as provided by law for all agencies of government.

(7) It is the intent and purpose of the Legislature to place all examining and licensing boards under strict budgetary control and to determine the policy of budgeting all collections and expenditures of moneys collected through examining and licensing laws and to be used by the boards for enforcement and administrative purposes.

Section 5. Sections 455.014, 455.03, and 455.08, Florida Statutes, section 455.04, Florida Statutes, as amended by chapter 77-147, Laws of Florida, and section 455.09, Florida Statutes, as created by chapter 76-161, Laws of Florida, are repealed, sections 455.06 and 455.07, Florida Statutes, are renumbered as sections 286.28 and 16.016, Florida Statutes, respectively, the remaining sections of chapter 455, Florida Statutes, are renumbered and amended, and sections 455.102, 455.105, 455.108, and 455.109, Florida Statutes, are created to read:

PART I

DEPARTMENT OF PROFESSIONAL REGULATION

455.101 ~~455.001~~ Department of Professional and Occupational Regulation; examining and licensing boards; legislative intent.—

(1) It is the intent of the Legislature that the right of persons ~~desiring~~ to engage in any lawful profession, trade, or occupation regulated by the department shall be equal to the right of any citizen to earn a living; that is, it is a fundamental right subject to the paramount right of the state to protect the public health, safety and welfare ~~any board listed in subsection 20.30(9) or subsection 20.30(10) shall be entitled to do so as a matter of right if otherwise qualified.~~

(2) The Legislature further believes that such professions or occupations shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions or occupations shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from licensing.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) Further, it is the intent of the Legislature that professional regulation ~~those boards listed in subsections 20.30(9) and 20.30(10), while enacted created~~ to protect the public, shall not create rules that set undue, restrictive, and extraordinary standards that act as deterrents for persons to enter the various professions and occupations. ~~Notwithstanding the above, the boards shall not have powers, in drafting rules or regulations, to contravene any other statutes. Further, no Neither the department nor any board shall take any action, the result or effect of which may tend to create or maintain a situation which impinges upon the competitive market place, except as provided by law.~~

(4) It is the further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the Department of Professional Regulation shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law and accordingly the term "profession" shall also mean occupation.

455.102 Department of Professional Regulation; powers and duties.—The Department of Professional Regulation shall:

(1) Implement a plan for a staggered biennial renewal of licenses issued by the department.

(2) Appoint the executive director of each board within the department.

(3) Determine by rule the amount of licensing fees for each profession regulated by the department, subject to the limitations which may be imposed by law.

(4) With the advice of the boards, submit a biennial budget to the Legislature at a time and in the manner provided by law.

(5) Develop a program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation of the appropriate profession and with the structure of the department.

(6) Appoint ad hoc advisory committees when necessary to assist in the regulation of professions, including the formulation of recommendations with respect to the regulation of unregulated professions or the extension of the authorized scope of practice of a profession or auxiliary practice, whether regulated or not.

(7) Adopt all rules necessary to administer this chapter. The secretary of the department shall have standing to challenge any rule or proposed rule of a board pursuant to ss. 120.54 and 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the hearing officer, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit. Provided however, that there shall not be created a presumption of the existence of any of the conditions cited herein in the event that the rule or proposed rule is challenged.

In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(5).

(8) Establish by rules procedures by which the department shall use the expert or technical advice of the board for the purposes of investigation, inspection, evaluation of applications, and other duties of the department.

(9) Require all proceedings of any board within the department and all formal or informal proceedings conducted by the department or a hearing officer with respect to licensing

or discipline, to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(10) Insure that investigators and inspectors working on behalf of the department are generally knowledgeable in the profession with which they are connected.

455.103 455.004 Board contact through department headquarters in Tallahassee.—Each examining and licensing board may be contacted through the headquarters of the Department of Professional and Occupational Regulation in the City of Tallahassee or at any regional office of the department.

455.104 455.007 Divisions within department; duties ~~Bureaus in Division of General Services of Department of Professional and Occupational Regulation; particular functions.~~

(1) The head of the Department of Professional and Occupational Regulation may assign to the Bureau of Records Administration of the Division of General Services of the department, responsibility for the following administrative functions:

- (a) Issuance of licenses;
- (b) Collection of fees;
- (c) Establishment of a uniform renewal license form for all boards and commissions;
- (d) Establishment of renewal and delinquency periods, ~~with the concurrence of the boards and commissions affected;~~ and
- (e) Maintenance of confidential and nonconfidential records of the department.

~~Nothing herein affects the responsibilities prescribed by law, of the examining and licensing boards assigned to the department in regard to the maintenance of confidential records.~~

(2) The Bureau of Examinations of the Division of General Services of the department shall provide services for the preparation and administration of all ~~written~~ examinations. The division shall insure that the examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department and shall seek the advice of the appropriate board in the preparation and administration of the examinations. To the extent not otherwise specified by statute, the board shall by rule specify the general areas of competency to be covered by each examination, the relative weight assigned in grading each area tested, and the score necessary to achieve a passing grade. If a practical examination is deemed to be necessary, the rules shall specify the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. The department shall provide a procedure whereby a board may recommend any modification in an examination to the secretary who shall settle any dispute between the board and the division. ~~at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.~~

(3) The Division of Legal Services shall receive and investigate complaints against persons licensed by the department or against applicants for licensure. Upon a finding of probable cause, the Division of Legal Services shall initiate proceedings in accordance with the provisions of s. 455.106.

(4) The Department of Legal Affairs shall provide legal services to each board within the Department of Professional Regulation but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state.

(5) The department may employ or utilize the legal services of outside counsel and the investigative service of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(6) For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of

books, papers, documents, and other evidence. Challenges to, and enforcement of, said subpoenas and orders shall be handled as provided in s. 120.58.

(3) The Bureau of Legal Services of the Division of General Services of the department shall provide legal services at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.

(4) The Bureau of Investigative Services of the Division of General Services of the department shall provide investigative services at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.

455.105 General licensing provisions.—

(1) The Department of Professional Regulation shall receive applications for licensure, determine whether applicants meet the qualifications for licensure, and issue licenses to qualified applicants.

(2) When any hearing officer conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the hearing officer shall submit his recommended order to the Department of Professional Regulation which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the department in accordance with the provisions of chapter 120.

(3) Any witness who testifies under subpoena in any such hearing shall be entitled to the same protection and immunities as are witnesses in judicial proceedings.

(Substantial rewording of section. See s. 455.013, F.S., for present text.)

455.106 Procedure for making complaints; probable cause determination; hearings.—

(1) Any complaint alleging a violation of any law or rule administered by the department shall be filed with the Division of Legal Services of the department. Upon the conclusion of the investigation, a panel of members of the appropriate board, of a size to be determined by law or by rule of the board, shall determine whether there exists probable cause that a violation of applicable law or rules has occurred. The panel may include board members who assisted the department in the investigation but may not include more than one lay member. If the panel determines that such probable cause does exist, the department shall prosecute the complaint pursuant to the provisions of chapter 120. If the panel determines that such probable cause is lacking, the department may within 30 days of such determination determine on its own that such probable cause exists and prosecute the complaint.

(2) Notwithstanding subsection (1), any board by rule may completely delegate the determination of probable cause in some or all cases to the department.

(3) If an administrative proceeding is held with respect to the complaint, a hearing officer from the Division of Administrative Hearings of the Department of Administration shall conduct the hearing, whether formal or informal. The hearing officer shall issue a recommended order pursuant to chapter 120.

(4) The appropriate board, with those members of the panel who reviewed the investigation pursuant to subsection (1) recusing themselves, shall issue the final order in each disciplinary case. Any consent order or agreed settlement must also be approved by the department.

(5) The department shall have standing to timely seek judicial review of any final order of the board.

(6) Any proceeding for the purpose of summary suspension of a license pursuant to s. 120.60(6) shall be conducted by the secretary or his designee, who shall issue the final order.

(7) If the department fails to find probable cause pursuant to subsection (1), the person who filed the complaint may file a petition seeking judicial review as provided in chapter 120. Judicial review of any confidential information shall be done in camera by the court.

(8) The department shall regularly notify any person who files a complaint of the status of the complaint and whether probable cause has been found pursuant to subsection (1). The department shall forward the complainant a copy of any correspondence it has with the licensee regarding the complaint,

which correspondence shall be considered confidential unless waived by the licensee.

(9) Nothing in this act shall preclude the appropriate board and the department from entering into an informal disposition of the complaint pursuant to s. 120.57(3) at any time after probable cause has been found, provided that the department must approve any informal disposition by the board.

(10) A complaint may be filed pursuant to the provisions of subsection (1) by any person, group, association, or organization, including the department and any board within the department. The department shall consider to be a complaint any written or oral communication coming into the possession of the department which alleges a violation of any law within the jurisdiction of the department. The department may pursue any complaint filed with it even if the original complainant withdraws the complaint and shall pursue any anonymous complaint when there exists reasonable cause to believe the allegations contained therein.

(11) Any complaint filed pursuant to subsection (1) and all information obtained by the department pursuant to the investigation of the complaint shall be confidential and shall not constitute a public record unless the department or the board finds that there exists probable cause to commence action as provided in said subsection. The licensee may at any time waive the confidentiality of any investigation proceeding against him. Upon the issuance of a final order following a finding of probable cause with respect to any complaint filed pursuant to this section, the department shall publish notice of the final order by such means as are established by rule of the department.

(12) Information communicated to the department in a complaint or in an investigation shall be absolutely privileged and shall in itself impose no liability in an action for libel or slander. However, after confidentiality has been waived or probable cause found, liability may be imposed when such information was communicated maliciously. Nothing herein shall be construed to affect any criminal prosecution for perjury.

(13) Any witness who testifies under subpoena in any hearing held pursuant to this section shall be entitled to the same protection and immunities as are witnesses in judicial proceedings.

455.1065 Board intervention.—In any proceeding regarding the issuance of a license to an applicant, the appropriate board may intervene in any such proceeding on behalf of either the applicant or the department.

455.107 455.05 Certificate by department administrative board as evidence.—

(1) A certificate by the department Board of Medical Examiners, Board of Osteopathic Medical Examiners, Board of Chiropractic Examiners, Board of Naturopathic Examiners, Board of Optometry, Board of Examiners for Nurses, Board of Pharmacy, or Board of Dentistry, of this state, or by any officer or member thereof, or by any secretary or assistant secretary thereof, bearing the seal of such board, when said board has a seal, certifying that the records of the department said board evidence, or fail to evidence, the issuance of any license or other authority to practice a profession regulated by the department medicine, osteopathy, chiropractic, naturopathy, optometry, nursing, pharmacy, or dentistry in this state, to a named person, shall be prima facie evidence of such fact and the authority, or want of authority, of such person to practice in this state under the authority of provisions applicable to the regulation of the profession chapters 458, 459, 460, 462, 463, 464, 465, or 466, or any amendment or amendments thereof or thereto.

(2) Such certificates shall be admissible in all courts and in all administrative boards, commissions, and agencies of this state; and when received in evidence, such certificates may be impeached only by positive documentary evidence or the testimony of not less than two witnesses.

455.108 Display of notice of regulation.—Each place of business established under the license as issued by the department shall display, in a place that is in clear and unobstructed public view, a notice stating that the place of business is licensed and regulated by the Department of Professional Regulation and that any questions or complaints may be directed

to the department. The notice shall be in a form specified by the department and the department shall adopt rules to insure that the notice is displayed in such places where the public is most likely to see it. The department may levy a civil penalty of \$50 for the failure of any licensee to comply with this section.

455.109 Exemption of board members from liability.—Each member of any board within the department shall be exempt from liability for any act or omission when acting in his official capacity and the department shall defend any such member in any action against any board or member of a board arising from any such act or omission.

PART II

ADMINISTRATIVE BOARDS; GENERAL PROVISIONS

(Substantial rewording of section. See s. 455.01, F.S., for present text.)

455.201 Administrative boards defined.—The term "administrative board" relates to minor regulatory boards created by the state, including the following:

- (1) The Department of Professional Regulation.
- (2) Bureau of Electronic Repair Dealer Registration, Ch. 468.
- (3) Florida State Advisory Council of Speech Pathology and Audiology, Ch. 468.
- (4) Such other minor regulatory board as may be created by legislative act.

455.202 455.011 Administrative boards; examination of applicants; preservation of records.—Each of the administrative boards defined in s. 455.201 455.01, which shall require an examination of an applicant as a condition precedent to the issuing of a license or other authority to practice the profession regulated by said board, shall conduct such examination in such manner that the applicant shall be known by number only until such examination is completed and the proper grade determined. An accurate record of such examination shall be made and said record, together with all examination papers shall be filed with the board secretary-treasurer or the presiding officer of said board, if said board does not have a secretary-treasurer, and shall be kept for reference and inspection for a period of not less than 2 years immediately following said examination. Said boards shall make a record of the grade of each applicant on each subject covered by said examination and said grade shall be a part of said examination papers to be preserved for 2 years along with the other record of said examination.

455.203 455.012 Restrictions on requirement of citizenship.—

(1) Except as otherwise provided in this section, No person shall be disqualified from practicing an occupation or profession regulated by the state solely because he is not a United States citizen. However, any regulatory agency may require that an applicant submit proof of his intention to become a citizen as a condition of eligibility to sit for any board examination. A notarized declaration of intention to become a citizen, in lieu of a formal declaration of intention to become a citizen, shall be sufficient proof of the applicant's intention to become a citizen.

(2) When declaration of intention to become a citizen is required as a prerequisite for occupational or professional practice, failure to become a citizen within 5 years after the license is granted shall be a ground for revocation of the license.

(3) Any complaints concerning the violation of this section shall be processed in accordance with the provisions of the Administrative Procedure Act, chapter 120.

455.204 455.016 Qualification of immigrants for examination to practice a licensed profession or occupation.—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all Florida citizens may receive better services.

(2)(4) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations [for professional or occupational licensure, which shall be administered in the English language unless 15 or more such applicants request that said reexamination be administered in their native tongue. In the event that such reexamination is administered in a foreign language, the full cost to the board or commission of preparing and administering same shall be borne by said applicants.

(3)(2) Each board and commission within the Department of Professional and Occupational Regulation shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, upon July 1, 1977, were residents of this state.

455.205 455.02 Members of Armed Forces in good standing with administrative boards.—Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of his becoming such a member was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state, shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States.

Section 6. No legal or administrative proceeding as of the effective date of this act shall be abated because of any assignment made in this act, but the unit of the Department of Professional Regulation to which the function relating to the pending proceeding is reassigned shall be substituted as a party in interest in such proceeding.

Section 7. On or before July 1, 1980, the Department of Professional Regulation shall provide for the location of the headquarters of every board within the department in the City of Tallahassee, unless otherwise provided in a specific practice act.

Section 8. The Secretary of the Department of Professional Regulation shall transfer all personnel, powers, duties, records, property, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Investigative Services of the Division of General Services to the Division of Legal Services within the department.

Section 9. All personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of every examining and licensing board within the Department of Professional and Occupational Regulation are hereby transferred to the Department of Professional Regulation and all trust funds of such boards shall be deposited into the Professional Regulatory Trust Fund in accordance with the provisions of s. 215.37, Florida Statutes (as amended by this act).

Section 10. This act shall not be construed to supersede the abolition of any board within the Department of Professional Regulation, pursuant to the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended.

Section 11. (1) The Department of Professional Regulation shall accomplish the reorganization directed by this act within its existing resources and appropriations. Such internal reorganization shall be complete prior to July 1, 1980.

(2) Notwithstanding the provisions of s. 216.351, Florida Statutes, the department is authorized, for fiscal year 1979-1980, to transfer appropriated funds within the department to administer more effectively its authorized and approved programs.

(3) Notwithstanding the provisions of s. 110.022 and s. 216.351, Florida Statutes, the department is authorized, for fiscal year 1979-1980, to add, delete, classify, reclassify, and transfer authorized positions within the department and to establish new classifications of positions to administer more effectively its authorized and approved program; provided, however, that total personnel costs shall not exceed the amount appropriated

for such costs and that the total number of personnel shall not exceed the number authorized.

Section 12. This act shall take effect July 1, 1979.

Amendment 2—On page 1 in title, lines 1-31 and on page 2, lines 1-26, strike all of said lines and insert the following: A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes, deleting certain powers of examining and licensing boards; amending s. 20.-30, Florida Statutes, 1978 Supplement, renaming the Department of Professional and Occupational Regulation; abolishing the Division of Occupations and bureaus within the Division of General Services; creating the Division of Legal Services of the department; providing for directors of the divisions of the department; increasing the number of lay members on boards; amending s. 120.57(1)(a), Florida Statutes, 1978 Supplement, and adding a subsection, prohibiting any board within the department from conducting either formal or informal hearings; amending s. 215.37, Florida Statutes, 1978 Supplement, providing for the deposit of certain fees and other moneys in a Professional Regulatory Trust Fund; providing for finances and budgeting of the department; deleting a provision which requires each board to pay a percentage of its revenues into the General Revenue Fund; requiring the department to pay a percentage; requiring the maintenance of separate revenue accounts for each regulated profession; providing for reports; reorganizing chapter 455, Florida Statutes, and renumbering sections thereof; creating part I and part II of chapter 455, Florida Statutes, relating to the department; amending s. 455.001, Florida Statutes, providing legislative intent; creating s. 455.102, Florida Statutes, providing duties of the department with respect to the boards and regulated professions; authorizing the department to challenge rules of boards; amending s. 455.004, Florida Statutes, providing for contact of boards through regional offices; amending s. 455.007, Florida Statutes, requiring the department to perform certain administrative functions for the boards; providing the duties of the Division of Legal Services; requiring the Department of Legal Affairs to legally assist the boards; authorizing the department to employ assistance outside the department; granting the department certain investigatory powers; deleting provisions which relate to the use of legal services of the department by boards and which permit the boards to not use the department's investigative services; creating s. 455.105, Florida Statutes, requiring the department to issue licenses; providing hearing procedures with respect to licensing; providing witness immunity; amending s. 455.013, Florida Statutes, providing a procedure for receipt of complaints and determinations thereon by a panel of members of the appropriate board or by the department prior to a hearing; providing for issuance of final orders; authorizing judicial review; requiring periodic notification of the complainant; providing for informal dispositions of complaints; authorizing the department to file and pursue complaints whether written or oral; providing for confidentiality and its waiver; providing for publication of notice; providing witness immunity; creating s. 455.1065, Florida Statutes, authorizing the appropriate board to intervene in a proceeding regarding the issuance of a license; amending s. 455.05, Florida Statutes, expanding the applicability of provisions relating to evidence of licensure to all boards; creating ss. 455.08 and 455.109, Florida Statutes, requiring places of business established under a license by the department to post certain notices at their places of business; providing a penalty; exempting the boards and their members from liability; amending ss. 455.01 and 455.011, Florida Statutes, to conform to the act; amending s. 455.012, Florida Statutes, deleting provisions relating to the eligibility of aliens to engage in professions and occupations; amending ss. 455.016 and 455.02, Florida Statutes, to conform to the act; repealing s. 455.014, Florida Statutes, which requires the department to assist Cubans to become eligible for licensure; repealing s. 455.03, Florida Statutes, which exempts certain war veterans from examination requirements; repealing s. 455.04, Florida Statutes, relating to enforcement of certain health laws; repealing s. 455.08, Florida Statutes, relating to the confidentiality of certain records; repealing s. 455.09, Florida Statutes, relating to terms of licenses to conform to the act; renumbering ss. 455.06 and 455.07, Florida Statutes, to transfer provisions relating to liability insurance of the state and its political subdivisions and expenses of the department of Legal Affairs to the appropriate chapters; requiring the relocation of certain boards; transferring investigative functions to the Division of Legal Services; transferring the personnel, records, property, and funds from each board to the department; granting the department certain powers during the reorganization period necessitated by the act; providing an effective date.

On motions by Senator Dunn, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 67.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 16, SB 62.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Anderson on April 19 that the Senate reconsider the vote by which CS for SB 273 passed on April 19, was taken up and the Senate refused to reconsider. The bill was certified to the House.

SPECIAL ORDER

By the Committee on Health and Rehabilitative Services and Senator Gordon—

CS for SB 1—A bill to be entitled An act relating to nursing; adding s. 464.22(9), (10), Florida Statutes; providing that the rendering of nursing services on a fee-for-services, or the establishment of an independent nursing practice are not prohibited by law; adding s. 409.266(5), Florida Statutes, 1978 Supplement; requiring the Department of Health and Rehabilitative Services to provide the services of a nurse practitioner to certain persons; providing an effective date.

—was read the first time by title and SB 1 was laid on the table.

On motions by Senator Gordon, by two-thirds vote CS for SB 1 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Maxwell	Stuart
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Peterson	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Jenne	Skinner	Winn
Fechtcl	Johnston	Spicola	
Frank	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—Poole

CS for SB 164 by the Committee on Commerce and Senator Ware was read the first time by title and SB 164 was laid on the table.

Pending further consideration of CS for SB 164, on motion by Senator Ware, by two-thirds vote HB 345 was withdrawn from the Committee on Commerce. On motion by Senator Ware—

HB 345—A bill to be entitled An act relating to banking; amending s. 659.292(1) and (3), Florida Statutes, exempting certificates of deposit from the definition of convenience accounts; authorizing agents of the principal of convenience account to make deposits to the account; requiring proof of certain judicial appointments only if applicable prior to the payment of funds to the guardian or personal representative of the principal; providing an effective date.

—a companion measure, was substituted for CS for SB 164 and read the second time by title. On motion by Senator Ware,

by two-thirds vote HB 345 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Maxwell	Stuart
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Hair	Peterson	Trask
Chamberlin	Henderson	Scarborough	Vogt
Childers, W. D.	Hill	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtcl	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	

Nays—None

CS for SB 164 was laid on the table.

CS for SB 165 by the Committee on Commerce and Senator Ware was read the first time by title and SB 165 was laid on the table.

Pending further consideration of CS for SB 165, on motion by Senator Ware, by two-thirds vote HB 344 was withdrawn from the Committee on Commerce. On motion by Senator Ware—

HB 344—A bill to be entitled An act relating to savings associations; amending s. 665.271, Florida Statutes, exempting convenience accounts from provisions relating to accounts in two or more names and to survivorship interests in such accounts; creating s. 665.272, Florida Statutes, authorizing convenience accounts in savings associations with restricted use thereof by agents of the principal of the account; providing for the payment of funds upon the death or disability of the principal of a convenience account; discharging a savings and loan association from liability under certain circumstances; providing the association with a right to setoff against the account; providing an effective date.

—a companion measure, was substituted for CS for SB 165 and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	Myers	Thomas
Anderson	Grizzle	Neal	Tobiasen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	
Gordon	McClain	Stuart	

Nays—None

CS for SB 165 was laid on the table.

By the Committee on Judiciary-Criminal and Senator Steinberg—

CS for SB 234—A bill to be entitled An act relating to contraband; amending s. 943.41(1), Florida Statutes, and adding paragraph (e) to subsection (2) of said section; providing a short title; including personal property used or intended for use in the commission of certain crimes within the definition of "contraband articles"; adding s. 943.42(4), Florida Statutes; making unlawful the concealment or possession of contraband articles of personal property; amending s. 943.43, Florida Statutes; providing for forfeiture of contraband articles of personal property; amending s. 943.44(1)-(3), Florida Statutes; providing forfeiture proceedings for such personal property; providing for disbursement of forfeiture funds; providing an effective date.

—was read the first time by title and SB 234 was laid on the table.

On motion by Senator Steinberg, by two-thirds vote CS for SB 234 was read the second time by title.

Senator Steinberg moved the following amendments which were adopted:

Amendment 1—On page 3, line 14, after the word "forfeited." insert: Any person having a valid lien on such property shall be notified, in writing, of such seizure prior to the institution of any forfeiture proceeding.

Amendment 2—On page 4, line 22, strike "section" and insert: *act*

Amendment 3—On page 4, line 29, strike the period "." and insert: , or other evidence of a valid lien.

Senators Williamson and Scarborough offered the following amendment which was moved by Senator Williamson:

Amendment 4—On page 2, between lines 29 and 30, insert a new section 2 as follows:

Any vessel, motor vehicle, or aircraft seized shall be returned to the lawful owner upon proof of ownership. Prior to the return the vessel, motor vehicle or aircraft the agency having custody shall file a notice of forfeiture form with the Department of Motor Vehicles which shall act as notice to any purchaser of the forfeiture proceedings set forth in 943.44

Renumber subsequent sections.

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 5—On page 4, line 17, after "innocent parties" insert: , including the owner of the property and persons who may have a legal or equitable interest in the property

Senator Gordon moved the following amendment:

Amendment 6—On page 5, strike lines 16-29 and insert: The proceeds of all funds collected from any such sale and any negotiable personal property seized shall be paid into the fine and forfeiture fund of the municipality or county whose law enforcement agency made the seizure, forfeiture, and sale

On motion by Senator Steinberg, further consideration of CS for SB 234 with pending amendment was deferred.

SB 21—A bill to be entitled An act relating to public officers and agencies; amending s. 125.0105, Florida Statutes; authorizing the governing body of a county to increase the service fee for dishonored checks up to a specified amount plus costs of collection and attorneys' fees; requiring county officers and agencies to accept certain checks; amending s. 166.251, Florida Statutes; authorizing the governing body of a municipality to increase the service charge for dishonored checks up to a specified amount plus costs of collection and attorneys' fees; requiring municipal officers and agencies to accept certain checks; amending s. 215.34(2), Florida Statutes, and adding a subsection to said section; increasing the service fee to be added by a state officer or agency for dishonored checks and providing such service fee be in addition to costs of collection and attorneys' fees; requiring state officers and agencies to accept certain checks; providing that checks which are required to be accepted by public officers or agencies constitute conditional payment; providing for the personal liability of public officers under certain circumstances if such a check is dishonored; providing for distribution of funds from such checks to certain other public officers; amending s. 832.06(1), Florida Statutes; providing a procedure to be followed by public officers with respect to dishonored checks; repealing s. 28.243, Florida Statutes, relating to the personal liability of clerks of courts or comptrollers for dishonored checks; repealing s. 195.087(3), Florida Statutes, relating to the personal liability of tax collectors for certain dishonored checks; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 6, line 25, after "public officer tax collector." insert:

If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the ~~public officer county tax collector~~ within 30 days after service of the warrant, 30 days after conviction, or 60 days after the ~~public officer collector~~ swears out the complaint or receives the certificate of the state attorney, whichever is first, and, the ~~public officer county tax collector~~ shall make a written report to this effect to the ~~appropriate governmental entity~~, the Department of Highway Safety and Motor Vehicles relative to airplanes and motor vehicles, to the Department of Natural Resources relative to boats, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Beverage of the Department of Business Regulation relative to beverage licenses, or to the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the ~~public officer county tax collector~~ may request the sum be forthwith refunded by the ~~appropriate governmental entity~~ Department of Highway Safety and Motor Vehicles, the Department of Natural Resources, the Department of Revenue, the Division of Beverage of the Department of Business Regulation, or the Game and Fresh Water Fish Commission to the ~~public officer making the request county tax collector~~. Within 30 days after receipt of the request, the ~~appropriate governmental entity~~ Department of Highway Safety and Motor Vehicles, the Department of Natural Resources, the Department of Revenue, the Division of Beverage of the Department of Business Regulation or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate of the ~~public officer tax collector~~, or the report, shall refund to the ~~public officer county tax collector~~ the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the ~~public officer county tax collector~~ to this effect. Thereafter, the ~~public officer county tax collector~~ may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the ~~public officer county tax collector~~, and the ~~public officer county tax collector~~ may file the certificate with the ~~appropriate governmental entity~~ Department of Highway Safety and Motor Vehicles relative to motor vehicles and airplanes, with the Department of Natural Resources relative to boats, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Beverage of the Department of Business Regulation relative to beverage licenses, or with the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the ~~appropriate governmental entity~~ Department of Highway Safety and Motor Vehicles, the Department of Natural Resources, the Department of Revenue, the Division of Beverage of the Department of Business Regulation, or the Game and Fresh Water Fish Commission to the ~~public officer county tax collector~~ and within 30 days after receipt of the request, the ~~appropriate governmental entity~~ Department of Highway Safety and Motor Vehicles, the Department of Natural Resources, the Department of Revenue, the Division of Beverage of the Department of Business Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the ~~public officer county tax collector~~.

On motion by Senator Dunn, by two-thirds vote SB 21 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Henderson	Maxwell
Anderson	Fechtcl	Hill	McClain
Barron	Frank	Holloway	Neal
Carlucci	Gordon	Jenne	Peterson
Chamberlin	Gorman	Johnston	Scarborough
Childers, W. D.	Grizzle	MacKay	Scott

Skinner	Stuart	Trask	Williamson
Spicola	Thomas	Vogt	Winn
Steinberg	Tobiassen	Ware	

Nays—None

Votes after roll call:

Yea—Hair, Myers

SB 168—A bill to be entitled An act relating to the Department of Labor and Employment Security; renumbering s. 20.171(1), (2), and (3), Florida Statutes, 1978 Supplement, and adding a new subsection (1) to said section; creating the position of Secretary of Labor and establishing the qualifications therefor; providing that the secretary shall be the head of the Department of Labor and Employment Security; ratifying prior acts of the department; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Carlucci and adopted:

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert: Section 1. Section 20.171, Florida Statutes, 1978 Supplement, is amended to read:

20.171 Department of Labor and Employment Security.—*There is created a Department of Labor and Employment Security.*

(1) *The head of the Department of Labor and Employment Security is the Secretary of Labor and Employment Security. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.*

(2)(4) The following divisions of the Department of Labor and Employment Security are established:

- (a) Division of Labor.
- (b) Division of Employment Security.
- (c) Division of Administrative Services.

(3)(2) The following commissions are established within the Department of Labor and Employment Security:

- (a) Public Employees Relations Commission.
- (b) Industrial Relations Commission.
- (c) Unemployment Appeals Commission.

(4)(2) The Division of Labor, Division of Employment Security, Public Employees Relations Commission, Industrial Relations Commission, and Unemployment Appeals Commission within the Department of Commerce are hereby transferred to the Department of Labor and Employment Security with all of their statutory powers and jurisdictions, duties, and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds left intact. The Office of the Secretary and Administrative Services within the Department of Commerce is transferred by a type three transfer, pursuant to s. 20.06, to the Department of Labor and Employment Security, except that the Department of Administration may authorize the retention within the Department of Commerce of any employees, records, equipment, properties, and unexpended balances of appropriations and allocations of other funds of the Office of the Secretary and Administrative Services necessary to provide administrative support to the Department of Commerce.

Section 2. All proceedings had or taken and all acts done or performed by or on behalf of the Department of Labor and Employment Security, or in which the department was a party, during the period between October 1, 1978, and the effective date of this act are hereby ratified, validated, and confirmed in all respects provided such act or proceeding would have been valid had this act been in effect at that date.

Section 3. This act shall take effect October 1, 1979.

Amendment 2—On page 1 in title, strike all of lines 2 through and including line 12 and insert: An act relating to

the Department of Labor and Employment Security; amending s. 20.171, Florida Statutes, 1978 Supplement; providing that the Department of Labor and Employment Security shall be headed by the Secretary of Labor and Employment Security; providing the method of appointment of the Secretary of Labor and Employment Security; ratifying prior acts of the department; providing an effective date.

On motion by Senator Carlucci, by two-thirds vote SB 168 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	MacKay	Spicola	

Nays—None

On motion by Senator Carlucci, the rules were waived and SB 168 after being engrossed was ordered immediately certified to the House.

Consideration of SB 423 was deferred.

By the Committee on Corrections, Probation and Parole and Senator Scott—

CS for SB 598—A bill to be entitled An act relating to parole; amending s. 947.181, Florida Statutes; authorizing the sentencing court to require and determine the manner of performing restitution or reparation as a condition for parole; deleting the authority of the Parole and Probation Commission to fix the amount of such restitution or reparation; adding new subsections (1) and (2) to s. 775.089, Florida Statutes, providing definitions; providing an effective date.

—was read the first time by title and SB 598 was laid on the table.

On motions by Senator Scott, by two-thirds vote CS for SB 598 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	MacKay	Skinner
Anderson	Gorman	Maxwell	Spicola
Barron	Grizzle	McClain	Steinberg
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, W. D.	Hill	Peterson	Trask
Dunn	Holloway	Poole	Vogt
Fechtel	Jenne	Scarborough	Williamson
Frank	Johnston	Scott	Winn

Nays—None

By the Committee on Corrections, Probation and Parole and Senator Scott—

CS for SB 599—A bill to be entitled An act relating to probation; amending s. 948.03(1), Florida Statutes, and adding a new subsection (2) to said section; authorizing the court to require restitution or reparation as a condition of probation; amending s. 775.089, Florida Statutes, relating to restitution, providing definitions and conforming language; repealing s. 775.091, Florida Statutes, relating to sentences of public service; providing an effective date.

—was read the first time by title and SB 599 was laid on the table.

On motions by Senator Scott, by two-thirds vote CS for SB 599 was read the second time by title and by two-thirds vote

was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiasen
Chamberlin	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Scott	Winn
Frank	MacKay	Skinner	

Nays—None

SB 112—A bill to be entitled An act relating to classes and definitions of offenses; amending s. 775.08(2), Florida Statutes; providing that offenses set out in ss. 316.061(1), 316.067, 316.072(3), 316.192, 316.193 and 316.1935, Florida Statutes, are classified as misdemeanors; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 112 was read the third time by title.

On motion by Senator Spicola, further consideration of SB 112 was deferred.

SB 167—A bill to be entitled An act relating to public officers and employees; creating s. 112.3172, Florida Statutes; authorizing any agency to pay attorney's fees and costs incurred by any officer or employee of that agency in certain cases in which a complaint against such officer or agency is dismissed by the Commission on Ethics; providing an effective date.

—was read the second time by title.

Senators Hair and Gordon offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 1, line 20, after the word "to" insert: either provide an agency attorney to represent the officer or employee and pay costs actually incurred in the defense of the complaint, or to

Amendment 2—On page 1 in title, line 6, after the word "agency" insert: to provide an agency attorney and pay costs incurred

On motion by Senator Hair, by two-thirds vote SB 167 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Maxwell	Spicola
Anderson	Grizzle	McClain	Steinberg
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, W. D.	Hill	Peterson	Trask
Dunn	Holloway	Poole	Vogt
Fechtcl	Jenne	Scarborough	Ware
Frank	Johnston	Scott	Williamson
Gordon	MacKay	Skinner	Winn

Nays—None

SB 181 was taken up and on motion by Senator MacKay, the rules were waived and by two-thirds vote HB 1142 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator MacKay—

HB 1142—A bill to be entitled An act relating to interlocal agreements; amending s. 163.01(7)(c), Florida Statutes, to authorize certain separate legal entities comprised of electric utilities to issue and sell bonds and bond anticipation notes subject to certain restrictions; providing limitations upon bond validation actions; providing an effective date.

—a companion measure, was substituted for SB 181 and read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1142 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	McClain	Steinberg
Anderson	Hair	Myers	Stuart
Carlucci	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiasen
Childers, W. D.	Holloway	Poole	Trask
Dunn	Jenne	Scarborough	Vogt
Fechtcl	Johnston	Scott	Ware
Frank	MacKay	Skinner	Williamson
Gorman	Maxwell	Spicola	Winn

Nays—None

SB 181 was laid on the table.

SB 682—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 20.19(3)(c) and 383.14(4), Florida Statutes, 1978 Supplement, changing the name of the Retardation Program Office to the Developmental Services Program Office; providing a hold harmless clause for retardation funding; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 6, line 29, strike "permit" and insert: imply

Pending further consideration of SB 682 as amended, on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 691 was withdrawn from the Committee on Health and Rehabilitative Services. On motion by Senator Johnston—

HB 691—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending ss. 20.19(3)(c) and 383.14(4), Florida Statutes, 1978 Supplement, changing the name of the Retardation Program Office to the Developmental Services Program Office; providing a hold harmless clause for retardation funding; providing an effective date.

—a companion measure, was substituted for SB 682 and read the second time by title. On motion by Senator Johnston by two-thirds vote HB 691 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

SB 682 was laid on the table.

SB 648—A bill to be entitled An act relating to pawnbrokers; creating s. 715.041, Florida Statutes; requiring pawnbrokers to maintain a record of the identification of any person from whom they receive property, and, upon request, to provide this information to any law enforcement agency or officer thereof; providing for the recovery by the lawful owner of stolen property possessed by a pawnbroker; providing for restitution to the pawnbroker under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Tobiasen, by two-thirds vote SB 648 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Myers	Thomas
Anderson	Hair	Peterson	Tobiassen
Barron	Henderson	Poole	Trask
Carlucci	Hill	Scarborough	Vogt
Chamberlin	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtel	MacKay	Steinberg	
Frank	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Neal

Consideration of SB 428 was deferred.

SB 572—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09(6), Florida Statutes; prescribing the percentage of members who must be present in order to constitute a quorum for the transaction of business; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 572 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Peterson	Tobiassen
Carlucci	Henderson	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Ware
Dunn	Johnston	Skinner	Williamson
Frank	MacKay	Steinberg	Winn

Nays—1

Fechtel

Votes after roll call:

Yea—Neal, Spicola

SB 679—A bill to be entitled An act relating to the Beverage Law; amending s. 561.221, Florida Statutes, 1978 Supplement; providing that a manufacturer of malt beverages or wine not be prohibited from obtaining up to three vendor's licenses for the sale of alcoholic beverages on certain premises; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 679 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gorman	Maxwell	Stuart
Anderson	Grizzle	McClain	Thomas
Barron	Hair	Myers	Tobiassen
Carlucci	Henderson	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtel	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	

Nays—1

Peterson

Votes after roll call:

Yea—Neal

Yea to Nay—Trask

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives refused to recede from House Amendments 1 and 2 to CS for SB 727 and requests a Conference Committee of 4 members. The Speaker has appointed Representatives Sheldon, Batchelor, Gordon and Bush as the Conferees on the part of the House.

Allen Morris, Clerk

On motion by Senator Dunn, the Senate acceded to the request for a conference committee. The President appointed Senators Henderson, Myers, Hair and Dunn. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1242

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

SPECIAL ORDER, continued

SB 437 was taken up and on motion by Senator Trask, by two-thirds vote HB 990 was withdrawn from the Committee on Agriculture.

On motion by Senator Trask—

HB 990—A bill to be entitled An act relating to the transportation of citrus; amending s. 601.731(1), Florida Statutes; limiting the exemption from provisions governing the transportation of citrus on the highways; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 437 and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 990 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Myers	Stuart
Anderson	Grizzle	Neal	Thomas
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Winn
Dunn	MacKay	Skinner	
Fechtel	Maxwell	Spicola	
Frank	McClain	Steinberg	

Nays—None

Votes after roll call:

Yea—Tobiassen, Williamson

SB 437 was laid on the table.

SB 258—A bill to be entitled An act relating to regulation of agricultural products dealers; amending s. 604.15(1), (3)-(6), Florida Statutes; providing definitions; creating s. 604.151, Florida Statutes; providing legislative purpose; amending s. 604.17, Florida Statutes; deleting obsolete language; amending s. 604.18(3), (4), Florida Statutes, and adding subsection (5) to said section; prescribing information to be furnished on applications for a license as an agricultural products dealer; amending s. 604.19, Florida Statutes; prescribing the period a license is effective; prescribing the amount of license fees and penalties for delinquent license renewal; amending s. 604.20(1), (3), Florida Statutes, 1978 Supplement; prescribing the condition of agricultural products dealer bonds; requiring a new and separate bond annually for license renewal; providing for review of records of an applicant or licensee; making failure to provide information or make records available grounds for suspension or revocation of license; amending s. 604.21, Florida

Statutes, 1978 Supplement; prescribing procedures with respect to complaints filed with the Department of Agriculture and Consumer Services concerning a dealer's failure to make payments; authorizing the department to order payment; providing for distribution of the proceeds of the dealer's bond; providing for suits by complainants to recover proceeds of the bonds; providing for court costs and attorney's fees; amending s. 604.211, Florida Statutes; limiting licensee's right to consign products of the producer; amending s. 604.22, Florida Statutes; requiring licensee to maintain records of transactions and prescribing times for dealer to make account of sale and payment to producer; repealing s. 604.24, Florida Statutes, which section provides for the inspection of spoiled or unmarketable products; reviving and readopting provisions of chapter 604, Florida Statutes, as amended, relating to agricultural products dealers, notwithstanding the provisions of the Regulatory Reform Act of 1976; providing for retroactivity; providing an effective date.

—was read the second time by title.

On motion by Senator Henderson, further consideration of SB 258 was deferred.

SB 259—A bill to be entitled An act relating to elevators and other conveyors; amending ss. 399.05(1)(b), 399.06(3), Florida Statutes; removing the provisions requiring fees paid under this chapter to be applied and credited to fees required to conduct a public lodging establishment; requiring the Division of Hotels and Restaurants of the Department of Business Regulation to prescribe by rule the fees for permits to install elevators and the annual license fee for elevators and other conveyors; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote SB 259 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

By the Committee on Natural Resources and Conservation and Senator Vogt—

CS for SB 293—A bill to be entitled An act relating to the regulation of shrimp fishing; renumbering s. 370.15(5), (6), Florida Statutes, and adding a new subsection (5) to said section; providing certain restrictions on the use of traps; providing for confiscation of unmarked traps; providing a penalty; providing an effective date.

—was read the first time by title and SB 293 was laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for SB 293 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Myers	Thomas
Anderson	Hair	Neal	Tobiasen
Barron	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Senator Scarborough presiding

SB 331—A bill to be entitled An act relating to interest rates and the usury laws; amending s. 687.02, Florida Statutes, and s. 687.03(1), Florida Statutes, 1978 Supplement; providing that loans or contracts exceeding \$500,000 in amount or value shall not be usurious as to a corporation unless the interest thereon exceeds 25 percent per annum; providing that this act apply only to loans made after its effective date; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Henderson and adopted:

Amendment 1—On page 1, line 31, strike "25 percent per annum" and insert: the provisions of section 687.071, Florida Statutes, (criminal usury)

Amendment 2—On page 2, lines 28 and 29, strike "25 percent per annum" and insert: the provisions of section 687.071, Florida Statutes, (criminal usury)

Amendment 3—On page 1 in title, line 8, strike "25 percent per annum" and insert: the provisions of section 687.071, Florida Statutes, (criminal usury)

On motion by Senator Henderson, by two-thirds vote SB 331 as amended was read the third time by title.

On motion by Senator Henderson further consideration of SB 331 was deferred.

SB 330—A bill to be entitled An act relating to issuing worthless checks and drafts; amending s. 832.07(1)(a), Florida Statutes, reducing the time period for restitution; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Ware and adopted:

Amendment 1—On page 1, line 21, strike "\$5" and insert: \$10

Senator Dunn moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 17 and 18 insert: Section 2. In any civil action brought for the purpose of collecting a check, draft, or order of payment, the payment of which was refused by the drawee because of the lack of funds or credit, the prevailing party in such action shall be entitled to recover from the non-prevailing party the prevailing party's reasonable attorney fees and costs of collector

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Ware and adopted:

Amendment 3—On page 1 in title, line 4, insert the following after "statutes,": increasing amount of service charge;

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 5, after the semicolon ":", insert: providing for the recovery of reasonable attorney's fees and costs by the prevailing party in certain actions for debt;

On motion by Senator Ware, by two-thirds vote SB 330 as amended was read the third time by title.

Senator Steinberg moved the following amendment which failed:

Amendment 5—On page 1, line 23, strike "7" and insert: 10

SB 330 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote was:

Yeas—20

Anderson	Gorman	Johnston	Skinner
Carlucci	Hair	MacKay	Spicola
Chamberlin	Henderson	Maxwell	Stuart
Dunn	Hill	Poole	Thomas
Fechtcl	Jenne	Scott	Ware

Nays—15

Barron	Grizzle	Peterson	Vogt
Childers, W. D.	Holloway	Scarborough	Williamson
Frank	McClain	Steinberg	Winn
Gordon	Myers	Trask	

The Senate resumed consideration of—

SB 331—A bill to be entitled An act relating to interest rates and the usury laws; amending s. 687.02, Florida Statutes, and s. 687.03(1), Florida Statutes, 1978 Supplement; providing that loans or contracts exceeding \$500,000 in amount or value shall not be usurious as to a corporation unless the interest thereon exceeds 25 percent per annum; providing that this act apply only to loans made after its effective date; providing an effective date.

—which was taken up pending roll call.

Senator Henderson moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 3, line 4, after “made” insert: on or

Senator Myers moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 1, line 26, strike “15 percent per annum” and insert: the provisions of section 687.071, Florida Statutes. (criminal usury).

SB 331 as further amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	Myers	Thomas
Carlucci	Hair	Neal	Tobiasen
Chamberlin	Henderson	Poole	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Jenne	Scott	Ware
Fechtcl	Johnston	Skinner	Williamson
Frank	MacKay	Spicola	Winn
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

The Senate resumed consideration of—

SB 112—A bill to be entitled An act relating to classes and definitions of offenses; amending s. 775.08(2), Florida Statutes; providing that offenses set out in ss. 316.061(1), 316.067, 316.072(3), 316.192, 316.193 and 316.1935, Florida Statutes, are classified as misdemeanors; providing an effective date.

—which was taken up pending roll call.

Senator Spicola moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 1, line 24, after the word “or” insert: shall not mean

SB 112 as amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Barron	Carlucci	Chamberlin
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Childers, W. D.	Henderson	Neal	Stuart
Dunn	Hill	Peterson	Thomas
Fechtcl	Jenne	Poole	Tobiasen
Frank	Johnston	Scarborough	Trask
Gordon	MacKay	Scott	Vogt
Gorman	Maxwell	Skinner	Ware
Grizzle	McClain	Spicola	Williamson
Hair	Myers	Steinberg	Winn

Nays—None

SB 435—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.10(1)(a), (c), (2), Florida Statutes; providing that a motor vehicle owned or exclusively operated by the state, county, municipal or Federal Government within the state shall be equipped with either an appropriate state exempt license plate, or a United States Government vehicle license plate or identification plate; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On page 1, line 14, insert: Section 1. Subsection (2)(a) of s. 320.07, Florida Statutes is amended to read:

320.07 Registration renewed annually.—

(2)(a) The registration of vehicles owned or exclusively and operated by this state or any county, municipality, or other governmental agency shall not be renewed annually, but permanent license number plates of a distinctive coloring shall be issued for such vehicles. All such license number plates shall be of the same distinctive coloring which shall differ from that used on plates issued as provided in s. 320.06. Such permanent plates shall be displayed as required by s. 320.35, and shall be removed upon the sale of the vehicle or when it becomes no longer eligible for a tax exempt plate, and may be replaced when lost, mutilated, or destroyed, as provided in s. 320.06 and s. 320.0611. The use of any such plate on any vehicle other than those owned or exclusively and operated by a state, county, municipal or other governmental agency is hereby expressly prohibited, except as approved by the department.

(Renumber subsequent sections.)

Amendment 2—On page 2, strike lines 5 through 10 and insert: equipped with proper plates showing such exempt status.

Amendment 3—On page 1 in title, strike all of lines 3 through 10 inclusive and insert: plates; amending s. 320.07(2)(a), Florida Statutes; providing that the registration of vehicles owned or exclusively operated by the state, county, municipal or Federal Government shall not be renewed annually; providing that the use of exempt plates on any other vehicle is prohibited; amending s. 320.10(1)(a), (c), (2), Florida Statutes; providing that a motor vehicle owned or exclusively operated by such government within the state shall be equipped with an appropriate state exempt license plate; providing an effective

On motion by Senator Thomas, by two-thirds vote SB 435 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Grizzle	McClain	Steinberg
Barron	Hair	Myers	Stuart
Carlucci	Henderson	Neal	Thomas
Chamberlin	Hill	Peterson	Tobiasen
Childers, W. D.	Holloway	Poole	Trask
Dunn	Jenne	Scarborough	Vogt
Frank	Johnston	Scott	Ware
Gordon	MacKay	Skinner	Williamson
Gorman	Maxwell	Spicola	Winn

Nays—None

By the Committee on Judiciary-Civil—

CS for SB 47—A bill to be entitled An act relating to juries; amending ss. 40.01, 40.015(1), 40.02, 40.07, 40.23, 40.231, 40.24, 40.29-40.35, 905.01(1) and 905.37(3), Florida Statutes; prescribing qualifications for jurors; prescribing procedures for the creation of jury districts; prescribing procedures for the selection and security of jury lists; prescribing procedures for court administrator to perform certain duties; providing for certain persons to be disqualified or excused from jury service; prescribing procedures for summoning jurors; providing for jury pools; providing for payment of jurors summoned; prescribing procedures for the estimation, requisition, apportionment, and disbursement of state funds for the payment of jurors and certain witnesses; prescribing procedures for accounting for such payments; providing for the procurement of a grand jury; prescribing qualifications for grand jurors; creating ss. 40.221, 40.225 Florida Statutes; providing procedures for drawing jury venire; providing alternative method; repealing ss. 40.03, 40.04, 40.05, Florida Statutes, relating to selection of jury lists; repealing s. 40.06, Florida Statutes, relating to the transcription and preservation of jury lists; repealing s. 40.061, Florida Statutes, requiring the addresses of persons on jury lists; repealing s. 40.08, Florida Statutes, relating to exemptions from jury duty; repealing ss. 40.09, 40.10, 40.11, 40.13, Florida Statutes, relating to jury commissioners; repealing s. 40.101, Florida Statutes, relating to means of gathering information concerning prospective jurors; repealing s. 40.20, Florida Statutes, relating to procedures to be followed if there is a deficiency of jurors; repealing s. 40.22, Florida Statutes, relating to issuance of venire; repealing s. 40.25, Florida Statutes, relating to pay of jurors in vacation; repealing s. 40.27, Florida Statutes, prescribing penalty for failure to answer summons; repealing s. 40.28, Florida Statutes, relating to penalty for failure to draw or summons jurors; repealing s. 40.36, Florida Statutes, relating to drawing of petit and grand jury venire; repealing s. 40.371, Florida Statutes, prescribing alternative selection method for drawing venire; repealing s. 40.39, Florida Statutes, relating to duties of clerk of court; repealing s. 40.40, Florida Statutes, relating to the drawing of grand jurors; repealing ss. 40.42, 40.43, Florida Statutes, which sections relate to deficiency, or excess in jury box, omissions, etc.; providing an effective date.

—was taken up with pending Amendment 4.

Amendment 4—On page 7, line 12, strike “practicing attorney, a practicing physician, or”

Pending further consideration of CS for SB 47, on motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 581 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Gordon, by two-thirds vote SB 276 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 280 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to meet immediately upon adjournment to consider SCR 93.

ENROLLING REPORTS

Senate Bills 17, 73 and 91 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 20, 1979.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Neal—SB 102; Senator Tobiasen—SB 793; Senator Stuart—Senate Bills 941 and 949; Senator Fechtel—Senate Bills 68, 208, 339, 383 and 566; Senator Scott—SB 1023

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 23, 20 and 19 were corrected and approved.

On motion by Senator Barron, the Senate adjourned at 11:50 a.m. to convene at 8:30 a.m., April 25, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.